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# **VIRGIN TERRITORY**

## **THE VESTALS AND THE TRANSITION FROM REPUBLIC TO PRINCIPATE**

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# ABSTRACT

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The cult of Vesta was vital to the city of Rome. The goddess was associated with the City's very foundation, and Romans believed that the continuity of the state depended on the sexual and moral purity of her priestesses. In this dissertation, *Virgin Territory: The Vestals and the Transition from Republic to Principate*, I examine the Vestal cult between c. 150 BCE and 14 CE, that is, from the beginning of Roman domination in the Mediterranean to the establishment of authoritarian rule at Rome.

Six aspects of the cult are discussed: the Vestals' relationship with water in ritual and literature; a re-evaluation of Vestal *incestum* (unchastity) which seeks a nuanced approach to the evidence and examines the record of *incestum* cases; the Vestals' extra-ritual activities; the Vestals' role as custodians of politically sensitive documents; the Vestals' legal standing relative to other Roman women, especially in the context of Augustus' moral reform legislation; and the cult's changing relationship with the topography of Rome in light of the construction of a new shrine to Vesta on the Palatine after Augustus became *pontifex maximus* in 12 BCE.

It will be shown that the cult of Vesta did not survive the turmoil of the Late Republic unchanged, nor did it maintain its ancient prerogative in the face of Augustus' ascendancy. The thesis therefore sheds new light on our understanding of the nature, role and significance of the Vestal cult during the Roman revolution.

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# ABBREVIATIONS

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In general abbreviations for ancient authors follow those of the *Oxford Classical Dictionary*<sup>3</sup>. Abbreviations for journal titles follow the conventions of *L'Année Philologique*. Abbreviations that deviate from these conventions as well as common abbreviations used throughout the dissertation are listed here.

<i>AE</i>	<i>L'Année Epigraphique</i>
<i>BNP</i>	CANCIK, H., SCHNEIDER, H., SALAZAR, C. F., ORTON, D. E. (eds.) 2002-c.2007. <i>Brill's New Pauly: Encyclopaedia of the Ancient World</i> (Beill, Leiden, Boston)
<i>CIL</i>	<i>Corpus Inscriptionum Latinarum</i>
<i>FS</i>	<i>Feminist Studies</i>
<i>ILLRP</i>	DEGRASSI, A. 1965. <i>Inscriptiones Latinae Liberae Rei Publicae</i> (Florenz 2. Aufl.)
<i>ILS</i>	DESSAU, H. (ed.) c. 1974. <i>Inscriptiones Latine Selectae</i> in 3 Volumes (Weidmann, Dublin, Zürich)
<i>InscrIt</i>	<i>Inscriptiones Italiae</i>
<i>LIMC</i>	c. 1981-2009 <i>Lexicon Iconographicum Mythologiae Classicae</i> (Artemis, Zürich)
<i>LTUR</i>	STEINBY, E. (ed) 1993-2000. <i>Lexicon Topographicum Urbis Romae</i> in Six Volumes (Edizioni Quasar, Rome)
<i>PMG</i>	PAGE, D. L. 1962. <i>Poetae Melici Graeci</i> (OUP, Oxford)
<i>RE</i>	1894-1980. <i>Real-Encyclopädie der classischen Altertumswissenschaft</i>
<i>TAPA</i>	<i>Transactions and Proceedings of the American Philological Association</i>

# INTRODUCTION

## VESTAL VIRGINS AND THE SAFETY OF ROME

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The Vestal Virgins were a potent symbol of Rome's continuity, so much so that they represented the safety of the city. Horace expressed the view concisely when he discussed his own ambition for immortality:

usque ego postera	7
crescam laude recens, dum Capitolium	
scandet cum tacita virgine pontifex. <sup>1</sup>	9

Constantly I will grow afresh with retrospective praise, for as long as the *pontifex* ascends the Capitol with a silent virgin.

Horace located his own immortality in the eternity of Rome. By Horace's measure, Rome only needed three things in order to survive: the Capitol, the *pontifex maximus*, and the silent virgin – a *virgo Vestalis*. In a very important sense, Rome's continuity depended upon the continuity and preservation of the Vestal order.

My dissertation examines the Vestal Virgins during the Late Republic and the Augustan periods from a new perspective, following the Vestals' place in the historical narrative. This new approach operates from the assumption that the Vestals were affected by, and responded to, the changing politico-religious climate between c. 150 BCE and 14 CE. My dissertation

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<sup>1</sup> Hor. *Carm.* 3.30.7-9.

depends on the assumption that the evidence available for the Vestals during these years of Roman history allows for a diachronic reading and can be assessed according to the changing historical context.

## A BACKGROUND TO THE VESTAL VIRGINS

Vesta and the Vestals were prominent in Rome from their foundation stories. According to one popular tradition, Rhea Silvia, a Vestal from Alba Longa, gave birth to Romulus and Remus, the founders of the Rome.<sup>2</sup> This foundation story positions Vesta and a proto-Roman Vestal as essential to the success of the City. Although the Romans founded their own cult to Vesta,<sup>3</sup> there is also a sense in which Rome itself was paradoxically born from a Vestal. Rhea Silvia's contribution to the foundation of Rome emphasised the Vestals' relationship to the very existence of the City.<sup>4</sup>

The Vestal Virgins were a group of six priestesses whose duty it was to tend to the goddess Vesta.<sup>5</sup> They attended Vesta in the *aedes Vestae*, a circular building located at the southern edge of the Roman forum.<sup>6</sup> The *aedes Vestae* housed the hearth upon which burned the eternal flame of Rome and the *penus*, a storage chamber where the *sacra* were kept. The principal duty of the Vestals was to maintain a constant vigil over the eternal flame. The flame itself was representative of Vesta, who possessed no other cultic image.<sup>7</sup> The flame held symbolic meaning for the Romans. One prevalent belief was that the continuation of the

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<sup>2</sup> Dion. Hal. *Rom. Ant.* 1.76-79.4; Livy 1.3.11-1.4.3; Plut. *Rom.* 3.2-3.

<sup>3</sup> The establishment of the Vestal Virgins is often credited to Numa: Dion. Hal. *Rom. Ant.* 2.64.5; Livy 1.20.3; Plut. *Num.* 9.5, in other cases to Romulus: Plut. *Rom.* 22.1. On the first hearth to Vesta being built by Romulus: Dion. Hal. *Rom. Ant.* 2.65.

<sup>4</sup> The centrality of Vesta to the Roman conception of self is suggested by Livy 5.30, where the *aedes Vestae* is among the structures listed during discussion for the Romans to move to Veii.

<sup>5</sup> Dion. Hal. *Rom. Ant.* 2.67.1, 3.67.2.

<sup>6</sup> On the circularity of the *aedes Vestae*: Plut. *Num.* 11.

<sup>7</sup> Ov. *Fast.* 6.295-8. There does not appear to have been a restriction on the depiction of Vesta *per se*. Note, for instance, Cic. *Nat.* 3.80, where it is claimed that the *pontifex maximus* Quintus Scaevola was assassinated before the *simulacrum Vestae* (cf. App. *BC* 1.10.88). It is likely that this statue was not located in the *aedes Vestae* but elsewhere in Rome.



flame was essential for the continuation of the state.<sup>8</sup> As a consequence of the importance invested in the flame, the Vestals were likewise connected with the continuation of the state on account of their custodial role.

## Virginity and the Flame

Vesta was a virgin goddess and it is reasonable to assume that the initial reason for requiring Vestals to be virgins was so that they closely resembled Vesta.<sup>9</sup> Vestals were selected between the ages of six and ten and were expected to remain virgins for thirty years, which was the minimum length of their tenure.<sup>10</sup> Vestals found to have lost their virginity were punished by being buried alive at a site near the *porta Collina*.<sup>11</sup> The severe treatment of Vestals who were found guilty of *incestum* ('unchastity', often interpreted as a loss of virginity) is fundamentally connected with the virginity of Vesta. The connection between Vesta and a Vestal was severed if the priestess lost her virginity and it also endangered the state by calling into question Rome's relationship with the *pax deorum*. The severe punishment for *incestum* also reveals the strong association between the Vestals and the ideals of female virtue.

The flame of Vesta was considered by the Romans to be an indicator of their relationship with the goddess.<sup>12</sup> If the flame went out for any reason, the matter was investigated to determine the cause.<sup>13</sup> In such cases, the investigation usually narrowed in on the Vestals, since the care of the flame was their responsibility.<sup>14</sup> The extinction of the flame often led to Vestals being punished. The severity of the punishment could vary from scourging to an

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<sup>8</sup> Dion. Hal. *Rom. Ant.* 2.67.5 (quoted p 16).

<sup>9</sup> Similarly the virgin goddess Diana is attended by a retinue of virgins. Consider for example the story of Callisto and Diana (Ov. *Met.* 2.401-65).

<sup>10</sup> Dion. Hal. *Rom. Ant.* 2.67.1-2.

<sup>11</sup> Gell. *NA.* 1.12.1; Dion. Hal. *Rom. Ant.* 2.67.4.

<sup>12</sup> For instance: Livy 5.54.7; also consider: Plut. *Cam.* 31.4; also see Dion. Hal. *Rom. Ant.* 2.67.5 (quoted p 16).

<sup>13</sup> For a description of how the flame is re-lit: Plut. *Num.* 9.6-8.

<sup>14</sup> Consider the investigation of the Vestals after the fire was extinguished when under the responsibility of Aemilia: Dion. Hal. *Rom. Ant.* 2.68.3-5.

*incestum* investigation, as the Romans believed that the flame would go out if a Vestal had lost her virginity.<sup>15</sup> The relationship between the flame of Vesta and Vestal virginity means that the flame can be read as a physical manifestation of the Vestals' *castitas*.

The relationship between the perpetual virginity of the Vestals and the *pax deorum* was implicit in cases where Vestal *incestum* was associated with a prodigy. For example, the Vestal Urbinia was buried alive during a period of pestilence that attacked women, especially those who were pregnant. After the matter of Urbinia's *incestum* had been fully resolved with her burial and the death of a man who was also implicated, the pestilence ceased.<sup>16</sup> The *pax deorum* had been restored. Urbinia's live burial within the city served at least two purposes: it allowed Vesta (and the gods) to decide the fate of the Vestal by removing any possible claim that the Romans themselves had killed a priest; it also ensured that Vesta, embodied as she was in the Vestal, did not leave Rome.

### **The *Sacra***

The *sacra* were stored in the *penus* of the *aedes Vestae* and hidden from the view of most citizens. The *sacra* were also referred to as *pignora imperii* 'guarantees of *imperium*'<sup>17</sup> which is tied to the belief that one of the *sacra* was the *palladium*.<sup>18</sup> The only time that the *sacra* were removed from the *penus* was when the *aedes* was threatened or caught in a fire.<sup>19</sup> The secrecy surrounding the *sacra* led to speculation as to what the sacred objects were.<sup>20</sup> Perhaps because of their mysterious nature, the objects themselves were imbued with supernatural qualities.

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<sup>15</sup> Livy 28.11.6-7 (scourging). Cases where the flame is connected with the investigation of the Vestals tend to be those where it is concluded that the Vestal did not act inappropriately (for example, the case of the Vestal Aemilia, n. 14 above); implicit in these is the significance of the state of the flame as a signal of the physical integrity of the Vestals.

<sup>16</sup> Dion. Hal. *Rom. Ant.* 9.40.

<sup>17</sup> For instance: Livy 5.52.7.

<sup>18</sup> Dion. Hal. *Rom. Ant.* 1.69.4.

<sup>19</sup> On the removal of the *sacra* from Rome during a period of crisis: Livy 5.39.11-13, 5.40.7-10.

<sup>20</sup> Dion. Hal. *Rom. Ant.* 2.66.2-6; Plut. *Cam.* 20.3-6.

One supernatural tradition connected with the *sacra* stored in the *aedes Vestae* is tied to the experience ascribed to the *pontifex maximus* Metellus. The *pontifex maximus* is only recorded handling the *sacra* in times of emergency, and even then it is questionable whether such an act was permissible, as there were severe repercussions. The *pontifex maximus* Metellus saved the *sacra* when the *aedes Vestae* caught fire in c. 241 BCE, but not without the loss of his sight. Dionysius of Halicarnassus recorded the *pontifex* Metellus entered the burning temple of Vesta and rescued them after the Vestals had fled.<sup>21</sup> The blindness of Metellus seems to be suggested by Cicero and is a feature of the later imperial tradition.<sup>22</sup> This sets a precedent for *pontifices* to enter the *aedes Vestae* at moments convenient to their own judgement, mindful of the implication that the *sacra* were generally thought to be beyond the reach of the *pontifex maximus*.

The Vestals' care of the *sacra* in addition to the eternal flame reinforce the idea that the symbolism of the cult was heavily related to the protection of the City.

## Ritual

The Vestals' daily care of the flame was supplemented by their daily cleansing of the *aedes Vestae* ensuring there was a balance between the elements of fire and water.<sup>23</sup> They participated in a variety of rituals that reaffirmed their relationship with feminine qualities: the creation of *mola salsa*, the rites of Bona Dea, the Vestalia, and their constant attendance to the flame of Vesta, whose hearth in the forum was supplemented by the hearths of Roman households.<sup>24</sup> It has been noted that the Vestals' ritual duties covered many of the traditional

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<sup>21</sup> Dion. Hal. *Rom. Ant.* 2.66.3-4.

<sup>22</sup> Cic. *Scaur.* 48; Plin. *HN* 7.141; Sen. *Controv.* 4.2. Blindness was frequently associated with divine displeasure, consider blindness under Domitian (Mart. 4.30.10); as well as the blindness of Phineus (Apollod. 1.9.21), and Teiresias (Ov. *Met.* 3.316-338). For discussion on the topic, see: VLAHOIANNIS (1998) 29-32.

<sup>23</sup> On the daily cleansing of the *aedes Vestae*: Plut. *Num.* 13.1-2.

<sup>24</sup> On the creation of *mola salsa*: Festus 152L. The Vestals' creation of *mola salsa* draws attention to the fact that grinding meal was considered to be a traditional female task in the ancient world, consider the critique

tasks performed by women in the ancient world.<sup>25</sup> The Vestals were considered vital to the success of other rites such as: the Parentalia, Fordicidia, Parilia, the rite of the *Argei*, and the rites of the October Horse.<sup>26</sup>

### **Legal Situation: *potestas***

The Vestals were part of the broader *collegium pontificum* and fell under the disciplinary jurisdiction of the *pontifex maximus*.<sup>27</sup> Internally, the *virgo Vestalis maxima* was either the head of the collective of priestesses and/or the eldest Vestal. Of the many legal distinctions that separated the Vestals from other categories of Roman women, arguably the most important was their relationship with *potestas*. Aulus Gellius provides the most detailed overview of the Vestals' legal standing in Rome,<sup>28</sup> and noted the following in regard to the *potestas* over priestesses:

Virgo autem Vestalis, simul est capta atque in atrium Vestae deducta et pontificibus tradita est, eo statim tempore sine emancipatione ac sine capitis minutione e patris potestate exit et ius testamenti faciundi adipiscitur.<sup>29</sup>

Moreover, as soon as the Vestal virgin is taken (*capta*), and led into the *atrium Vestae* and delivered to the *pontifices*, at that time she is immediately discharged from the

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offered by Semonides fr. 7.59 (WEST) in regard to women who do not perform this task. The rites of Bona Dea (Cicero *Har. Resp.* 37; the Vestalia (Ovid *Fasti* 6.249-468); the Vestals' vigil of the flame (Dion. Hal. *Rom. Ant.* 2.66.1-3).

<sup>25</sup> FRASER (1885) 156-8. cf. the general assessment of ancient Greek women provided by CONNELLY (2007) 9: "Cleaning, weaving, washing, dressing, decorating, grinding, cooking, and feeding can all be seen as the work of women in both house and sanctuary across the ages. It is this powerful analogy between house and temple that provides a critical foundation for female agency in Greek religion".

<sup>26</sup> These have been examined recently by WILDFANG (2001) 225-30 (Parentalia), 233-5 (Fordicidia), 235-7 (Parilia), 238-40 (*Argei*), 249-50 (October Horse).

<sup>27</sup> The most recent study of the structure of the pontifical college including the place of the Vestals Virgins is that of VAN HAEPEREN (2002) esp. 80-8.

<sup>28</sup> Gell. *NA* 1.12.1-19.

<sup>29</sup> Gell. *NA* 1.12.9.

*potestas* of her father, without *emancipatio*, and without the diminution of her civil rights, and she secures the right to produce a will.

Although writing in the 2<sup>nd</sup> century CE, Gellius relied on the Augustan jurists Antistius Labeo and Ateius Capito<sup>30</sup> when discussing the legalities surrounding Vestal Virgins, allowing us to confidently follow Gellius' understanding of the Vestals' position in regard to *potestas* during the Augustan period; presumably these conditions were the same during the Late Republic. The important point is that, according to Gellius, the Vestals were *not subject* to the *potestas* of anyone once released from the *potestas* of their father.

The Vestals' freedom from *potestas* explains their right to produce their own wills and is also supported by their legal freedom from *tutela*.<sup>31</sup> One consequence of the Vestals' legal privileges is that they distinguished the priestesses from other Roman women. The separation between Vestals and other citizen women can be further seen in the Vestals' inviolability.<sup>32</sup>

The legal privileges of the Vestals influenced their distinct place in the socio-political system of Republican Rome. Although there is no year for which all the names of serving Vestals are known, it is plausible to assume that the Vestal order followed certain political lines.<sup>33</sup> The long tenure of their service (a minimum of thirty years) placed the Vestals in a unique political position, as their length of service vastly exceeded that of normal magisterial positions and would have been rivalled only by those priesthoods that offered co-option for life. The relative stability of the Vestals' priestly position (overlooking for now the possibility of being charged with *incestum*) placed these women in an enviable political position

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<sup>30</sup> Gell. *NA* 1.12.1, 8.

<sup>31</sup> On the right to produce wills, see quote from Gellius above. On the Vestals freedom from *tutela*, see: Gai. *Inst.* 1.145.

<sup>32</sup> For the active exercise of Vestal inviolability: Cic. *Cael.* 34.

<sup>33</sup> The famous example that attracts a political interpretation is recorded in Cic. *Mur.* 73, when a Vestal (Licinia) gave up her seat at the games to Murena. Lucius Licinius Murena was accused of *ambitus* and Cicero makes clear that providing seats at entertainments was considered one potential method of vote-buying (for more discussion see Chapter Three pp 154-5). Also see: MÜNZER (1937) 49-51, where the elite origins of Republican Vestals are discussed.

because, whereas men's political alignments generally shifted in response to civic and marital vicissitudes, a Vestal's were not subject to such pressures. While it is reasonable to assume that a Vestal's foremost political allegiance was to her natal family, it is also possible that the members of the college were obliged to negotiate the position of the collective amongst themselves on certain issues; it is likewise possible that a Vestal's political allegiances could change regularly during periods of instability.

### **Vestal Inviolability<sup>34</sup>**

The inviolability of Vestal priestesses is generally inferred from evidence which suggests that any interference with their person was considered a transgression. For instance, Plutarch describes the discipline of Vestals for minor offences as taking place on the bare flesh of the priestess, but with a curtain interposed between her and the *pontifex maximus*.<sup>35</sup> The separation of the Vestal and the *pontifex maximus* by a sheet can be read as a means of preserving the inviolability of the priestess. At an even greater extreme, the live burial of Vestals who had been charged with *incestum*, demonstrates the extreme unwillingness of the Romans to become directly (i.e. physically) involved in bringing about the death of these priestesses.<sup>36</sup>

The use of the term *sancta* (sacrosanct, inviolate) to describe the Vestals is further suggestive of the idea that the Vestals were considered by the Romans to be inviolable.<sup>37</sup> Mekacher has noted that the term *sanctitas* (sacrosanctity, integrity) is also regularly listed in inscriptions dedicated to Vestals and noted that it seems false to draw a distinction between the *sanctitas* of the Vestals and the *sacrosanctitas* of the plebeian tribunes.<sup>38</sup> One important distinction between the Vestals and the plebeian tribunes, however, is that the evidence suggests that

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<sup>34</sup> 'Inviolability' is often referred to as '*sacrosanctitas*', however, I have chosen not to use the Latin compound here since its use cannot be attested in Latin.

<sup>35</sup> Plut. *Num.* 10.4

<sup>36</sup> For the most lengthy description see Plut. *Num.* 10.4-7.

<sup>37</sup> Hor. *Carm.* 1.2.27; Livy 1.20.3-4; cf. use of *sanctimonia*: Tac. *Ann.* 2.86.1.

<sup>38</sup> MEKACHER (2006) 28-9, esp. footnote 176.

inviolability was intrinsic to the Vestals' priestly office, while the inviolability enjoyed by the *tribuni plebis* was *conferred* upon them and was dependent upon an oath of the people.<sup>39</sup>

Other evidence further indicates that the inviolability of the Vestals was taken seriously by the Roman people. Appius Claudius Pulcher's controversial triumph in c. 143 BCE owed its success to the presence of the Vestal Claudia.<sup>40</sup> Her embrace of Pulcher allowed the completion of the triumph, a fact that may be explained by her inviolability.<sup>41</sup> In 42 BCE, the Vestals were each granted a *lictor* by the Senate in order to protect them from insult.<sup>42</sup> Mekacher reads this enactment as a response to the injuring of Vestal *sanctitas*,<sup>43</sup> and if this line is followed, the *lictors* can be viewed as a visual symbol of the Vestals' inviolability.

## Summation

This brief overview of the Vestals suggests that the Romans invested Vesta with importance in a number of ways. 1) The flame, which served in place of a cultic statue, was believed to reflect the state of the Romans' relationship with Vesta. If the fire went out, it was a cause of grave concern and could lead to an investigation of the priestesses in order to determine their virginity or otherwise.<sup>44</sup> 2) The Vestal priestesses, who embodied Vesta by maintaining their virginity, were vital in ensuring Rome's positive relationship with the virgin goddess. 3) The *sacra* guarded by the Vestals (which included the *palladium*) were in themselves signs of the safety of Rome.<sup>45</sup>

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<sup>39</sup> For example: Livy 2.33.1, 3.19.10, 3.55.10 (discusses the oath taken by the plebs that led to the inviolability of their tribune); Val. Max. 4.7.3, 6.1.7, 6.5.4. On the inviolability of the tribune of the plebs in general, also note: Dion. Hal. *Rom. Ant.* 6.89.3-4; and Festus 422L, who ascribed inviolability to the tribune of the plebs, and (mistakenly) to the plebeian *aediles*.

<sup>40</sup> Cic. *Cael.* 34; Suet. *Tib.* 2.4; Val Max. 5.4.6. For further discussion of this example see Chapter Three pp 141-3.

<sup>41</sup> Certainly this is the implication in Suet. *Tib.* 2.4.

<sup>42</sup> Dio 47.19.4.

<sup>43</sup> MEKACHER (2006) 29.

<sup>44</sup> Livy 28.11.6: *plus omnibus aut nunatiatis peregre aut visis domi prodigiis terruit animos hominum ignis in aede Vestae extinctus*.

<sup>45</sup> On the significance and origin of the *palladium* see AUSTIN (1964) 83-5.

## VESTAL FOUNDATION AND VESTAL DESTRUCTION

The significance attached to the Vestals as symbols of Rome's safety was expressed to a certain extent through their virginity, so much so that their role in the foundation of Rome was balanced by the fear that the loss of their virginity heralded the destruction of the City. This dichotomy was most profoundly realised in the antithetical cases of the Vestals Rhea Silvia and Propertius' Tarpeia.

If we consider that the virginity of a Vestal symbolised the continuity of the state, then the loss of that virginity placed the City in danger of destruction. Rhea Silvia's story of rape by a deity and bearing the twins Romulus and Remus was not just the story of *Rome's* foundation, but can also be read as a story heralding the beginning of *Alba Longa's* decline. By the same measure, the locus of fear/anxiety in Propertius' retelling of Tarpeia's story as a Vestal story is the suggestion that the potential destruction of Rome would be followed subsequently by the rise of the Sabines.

If Vesta can be lost from a place (like Alba Longa) through a loss of virginity, which resulted in successful pregnancy and birth, then *any* Vestal who lost her virginity could be viewed as having the potential to bear a child which would endanger the state. Although Tarpeia is killed before she achieves a sexual union with the Sabine king Tatius, Propertius' account explored the Roman fear that the sexual activity of a Vestal could lead to Vesta abandoning them for the Sabines. Propertius does not mention pregnancy in the case of Tarpeia, but it is clear that this was inevitable in the case of Rhea Silvia since gods were invariably fertile.



## THE CICERONIAN EVIDENCE FOR VESTA AND VESTAL VIRGINS

No consideration of the Late Republic can overlook the influence of Cicero. Cicero's speeches and letters are our most comprehensive extant source for Rome's political situation between 80 BCE through to his death in 43 BCE and, as such, they fill a void in the historical record, particularly for the 70s and 60s BCE. Livy's text only survives in truncated form for these years, and does not provide information on the Vestals during the 70s BCE; Cassius Dio books 22-35, which also concern this period, are fragmentary; Appian's coverage of the Roman civil wars offers some details pertinent to the study of the Vestals, it also does not include information concerning the Vestals in the 70s BCE. It is not my intention to assess the historical reliability of all the details produced in Cicero's speeches,<sup>46</sup> especially given that Roman oratory included tactics such as invective, which might obscure the truth. Instead, I examine Cicero's attitude towards Vesta and the Vestals, as these observations provide insight into his perspective and help to contextualise Roman reactions to Vestal activity and highlight concerns regarding the Vestals during this period.

Cicero's attitude towards Vesta is established in a few key works, which are detailed below. His *pro Scauro* has survived in fragmentary form and involves the trial of M. Scaurus, who faced the charge of *de repetundis* (illegal acquisition of money abroad) in 54 BCE.<sup>47</sup> Part of Cicero's defence of Scaurus was a discussion of Scaurus' ancestry as a means of highlighting the important contributions to Rome of this family and by extension Scaurus' value as their descendant. It is in this context that Cicero referred to the significance of Vesta's guardianship of the *palladium*:

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<sup>46</sup> The difficulties associated with using Cicero as a historical source has been widely discussed in modern scholarship. The more recent literature in this field includes: LINTOTT (2008) esp. 33-9. In reference to the possible discrepancies between the performance of a speech and its textual transmission, LINTOTT (2008) 15, notes the continuing controversy. Also consider: POWELL (2007) 1-23; for a case study raising particular questions: BALSDON (1957) 15-20.

<sup>47</sup> Ascon. 18C.

L. Metelli, pontificis maximi, qui, cum templum illud arderet, in medios se iniecit ignis et eripuit flamma Palladium illud quod quasi pignus nostrae salutis atque imperi custodiis Vestae continetur.<sup>48</sup>

... Lucius Metellus, who as *pontifex maximus*, when that temple was ablaze, threw himself into the middle of the fire and rescued from the flames that *palladium* which is, as it were, the pledge of our salvation and *imperium*, and is in the safe keeping of Vesta.

Cicero's treatment of L. Metellus, Scaurus' ancestor, was intended to reflect positively on his client's character, however, the importance attached to the *palladium* also indirectly reveals the importance of Vesta's cult. Both Metellus' recovery of the *palladium*<sup>49</sup> and the significance attached to the *palladium* are attested in other sources.<sup>50</sup> That Cicero viewed the *palladium* as an object worthy of note in its own right is attested in *Philippic* 11.24:

Quod si provinciae consulibus expetendae videntur, sicut saepe multis clarissimis viris expetitae sunt, reddite prius nobis Brutum, lumen et decus civitatis; qui ita conservandus est ut id signum quod de caelo delapsum Vestae custodiis continetur; quo salvo salvi sumus futuri.<sup>51</sup>

But if it seems right for you consuls [Hirtius and Pansa] to seek out provinces, as many illustrious men have often sought them out, first deliver Brutus to us, the cynosure and glory of the citizenry, who must be kept safe like the image that fell

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<sup>48</sup> Cic. *Scaur.* 48.

<sup>49</sup> Cf. Pliny *NH* 7.141; Sen. *Controv.* 4.2; Ampelius 20.11.

<sup>50</sup> Dion. Hal. *Rom. Ant.* 1.69, 2.66.5-6; Ov. *Fast.* 6.417-36.

<sup>51</sup> Cic. *Phil.* 11.24. Delivered sometime in late February or early March of 43 BCE, *Philippic* 11 fell near the very end of Cicero's life. RAMSEY (2003) 14 n.18, proposed late February 43 BCE for *Philippic* 11; also see: MANUWALD (2007) 26-7.

from the heavens and is secured in the protection of the temple of Vesta, whose safety will prove our safety.<sup>52</sup>

The image ‘that fell from the sky and is guarded in the temple of Vesta’ can be reliably identified as the *palladium*.<sup>53</sup> Here again Cicero uses the imagery of the *palladium* figuratively as a measure of worth. Cicero estimated Brutus’ value to the Roman community as equal of that of the *palladium*. Moreover, Cicero was at pains to emphasise that Brutus’ safety, in its similarity to the protection of the *palladium*, was equivalent to, or mimetically stood for, the safety of Rome itself.<sup>54</sup> In terms of oratorical technique, Cicero’s elaboration on this point was intended to elicit a strong emotional reaction from his audience: Cicero stressed Brutus’ importance by aligning him with an object specifically held safe on behalf of the Roman state. While Cicero may conceivably have exaggerated the importance of the *palladium* in order to bolster Brutus’ value, the analogy that he draws between it and Brutus must have rested on a genuine perception that its protection was integral to the preservation of the state.

From the *pro Scauro* and *Philippic* passages quoted above we can see that Cicero assumed that an intrinsic relationship existed between the safety of the state, the *palladium*, as a symbol of that safety, and Vesta’s role in keeping safe the *palladium* (keeping safety safe). Given the interdependency that Cicero perceived between these three things, we are able to understand that the failure of any three of these elements would suggest that the other two had also been compromised. The intimate relationship between these three elements necessarily influences any interpretation we can make regarding his treatment of Vestal

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<sup>52</sup> Cf. Ov. *Fast.* 6.427 in regard to the *palladium*.

<sup>53</sup> Also see: Dion. Hal. *Rom. Ant.* 2.66.5. A concise overview is provided by SHACKLETON BAILEY (2009) 162 n. 32: “The Palladium was an old-fashioned idol of an armed goddess that supposedly fell from the sky and was kept in Troy as a safeguard of that city. According to Roman tradition, it later came to Rome, where it was kept in the innermost room of the Temple of Vesta and served the same talismanic function”.

<sup>54</sup> From this we can infer that the prestige attached to the *palladium* was reflected in its guardians, the Vestal Virgins. On the Vestals as representative of the safety of the state, see: BEARD *et al* (1998) 1.52-4.

Virgins, who as the priestesses of Vesta, embodied the safety of the state. In *in Catilinam* 4.12, Cicero discussed the ‘violation of the Vestal Virgins’ in association with Catiline:

Cum vero mihi proposui regnantem Lentulum, sicut ipse se ex fatis sperasse confessus est, purpuratum esse huic Gabinium, cum exercitu venisse Catilinam, tum lamentationem matrum familias, tum fugam virginum atque puerorum ac vexationem virginum Vestalium perhorresco, et, quia mihi vehementer haec videntur misera atque miseranda, idcirco in eos qui ea perficere voluerunt me severum vehementemque praebebo.<sup>55</sup>

I recoil in terror whenever I have imagined to myself as a possibility Lentulus ruling, as he acknowledged in person was his hope for himself according to fate, his having Gabinus clad in purple; Catiline come with his army, and the weeping of mothers of families, and the flight of girls and boys, and the violation of the Vestal Virgins; and because this vision arouses such extreme compassion and pity in me, it is on that account that I will show myself severe and vehement against those who have desired to bring about such things.

The Vestal Virgins were not the focus of this speech, nor indeed were they the direct subject of any of Cicero’s speeches; however, his mention of them here is characterised by respect and his insistence on the need for them to remain inviolate. Cicero’s reference to the violation of Vestal Virgins alluded to potential evils arising from the increasing influence of certain factions rather than particular crimes, and is supported by Cicero’s other reference to the Vestal Virgins earlier in the same speech:

Nunc si hunc exitum consulatus mei di immortales esse voluerunt ut vos populumque Romanum ex caede miserrima, coniuges liberosque vestros virginesque Vestalis ex

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<sup>55</sup> Cic. *Cat.* 4.12.

acerbissima vexatione, templa atque delubra, hanc pulcherrimam patriam omnium nostrum ex foedissima flamma, totam Italiam ex bello et vastitate eriperem, quaecumque mihi uni proponetur fortuna subeatur.<sup>56</sup>

Now, if the immortal gods have willed this end for my consulship, that I should rescue you and the Roman people from the most wretched butchery, your wives, children and the Vestal Virgins from the harshest violations, the temples and shrines, this most beautiful fatherland of us all from the foulest fire, and the whole of Italy from war and devastation, then let me suffer alone whatever fortune will be proposed.

Cicero specifies the groups that need to be preserved against the Catilinarian conspiracy. Included in Cicero's account were the senators, the people of Rome, wives and children of the senators, and the Vestal Virgins. Cicero draws attention to the fact that the persons threatened by Catiline's actions were those aligned with the putative destruction of the physical fabric of Rome (*templa atque delubra, hanc pulcherrimam patriam*). The (potential) violation of Vestals in particular was a sign that the safety of the state had been compromised. Notably, the categories that Cicero lists here share similarities with the ones he identified at *in Catilinam* 4.12.1 – mothers, boys and girls, and Vestal Virgins. For Cicero these groups shared a vulnerability to those in power; not only were they the groups most likely to suffer sexual violation if the Catilinarians gained the upper hand, but they were also those groups in whom sexual violation would be the most deplorable. By listing them together, Cicero was trying to provoke a sense of outrage at the threat of such depraved acts.

That Cicero believed that the Vestals ought to be held up as a moral *exemplum* for other Roman women is confirmed by his account of them in *de Legibus* 2.29:

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<sup>56</sup> Cic. *Cat.* 4.2.

Cumque Vesta quasi focum urbis, (ut Graeco nomine est <Hestia> appellata, quod nos prope idem {Graecum interpretatum} nomen tenemus) complexa sit, ei colendae virgines praesint, ut advigiletur facilius ad custodiam ignis, et sentiant mulieres {in} naturam feminarum omnem castitatem pati.<sup>57</sup>

And since Vesta has encircled the hearth of the city (just as she has been called ‘Hestia’ [hearth] in the Greek tongue, which name we preserve more or less identically), let virgins be in charge of her worship, in order that the watch for the purpose of guarding the fire may be made more easily, and women realise that the whole nature of women is capable of chastity.

Cicero draws a linguistic connection between the Latin ‘Vesta’ and Greek ‘Hestia’, although how far this relationship can, or should, be pushed is open to discussion.<sup>58</sup> More important is that Vestals were equated with *castitas* ‘chastity’, and the need for *virgin* priestesses was bound together with the belief in a connection between (the *virgin* goddesses) Hestia and Vesta.<sup>59</sup> With its reference to Roman women, the passage further implies that virginity represented the most complete form of *castitas*, thereby distinguishing the Vestals from the even the most chaste *matronae*.

Cicero’s attitude towards Vesta and the Vestals that emerges from these accounts emphasises the symbolic values imputed to the cult, and touches upon several key ideals. The *sacra* (including the *palladium*) gave the cult something tangible to protect. The Trojan origin of the *palladium*<sup>60</sup> allowed the Romans to draw a relationship with Troy, and to further consider the *palladium* a talisman for the safety of the city, since the fall of Troy coincided with the

<sup>57</sup> Cic. *Leg.* 2.29. For difficulties with the text: POWELL (2006) 211 and notes; DYCK (2004) 339-40.

<sup>58</sup> Seeking Greek explanations for the Roman Vestals is not uncommon in modern scholarship, note: FRASER (1885) 145-72. For a study of the relationship between Hestia and Vesta, see: GIANELLI (1913) 9-24. More recently KAJAVA (2004) 1-20, has argued that the evidence for a Hestia cult comparable with the Roman cult of Vesta was unlikely, and that the Greek relationship with Hestia was more political than religious.

<sup>59</sup> Cic. *Leg.* 2.29 is an explanation of the earlier statement at 2.20: *virginesque Vestales in urbe custodiunt ignem foci publici sempiternum*. On the virginity of Hestia: *Homeric Hymn to Aphrodite* 21-32.

<sup>60</sup> Dion. Hal. *Rom. Ant.* 2.66.5 (with various origins of the *palladium* offered including Troy); Ov. *Fast.* 1.527-8.

removal of the *palladium*.<sup>61</sup> The hearth-fire of the *aedes Vestae* was a more complex symbol of safety. The performance of the fire-vigil by the Vestals imbued the flame with a similar sense of safety to that of the *sacra*. The Vestals' guardianship of the flame was expressed in a dual fashion. Not only were the Vestals expected to conduct constant vigil of the flame, but their continuing virginity was also thought to guard against the flame going out. Cicero's references to the violation of the Vestals touches upon the Roman perception that the preservation of the Vestals' virginal state ensured the safety of the city.

## THE VESTALS AND THE SAFETY OF ROME

I believe that the connection between the Vestals and the safety of Rome is pivotal for understanding how the cult was affected by the transition from Republic to Principate. One of the recurring themes during this period is the changing relationship that the Vestals shared with the concept of safety. I propose that the rise of Augustus and his eventual embodiment as the safety of the state was the culmination of the many gradual changes that the Vestal cult had undergone in the transition to the Principate. Such a position is predicated on the link assumed to exist between the Vestals and the safety of Rome.

Dionysius of Halicarnassus draws a connection between the continual burning of the flame in the *aedes Vestae*, the purity of the Vestals, and the continuation of the City:

πολλὰ μὲν οὖν καὶ ἄλλα δοκεῖ μηνύματα εἶναι τῆς οὐχ ὁσίως ὑπηρετούσης τοῖς  
ἱεροῖς, μάλιστα δὲ ἡ σβέσις τοῦ πυρός, ἣν ὑπὲρ ἅπαντα τὰ δεινὰ Ῥωμαῖοι

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<sup>61</sup> On talismanic items and Rome, cf. Romulus' bones which were believed to be buried within the city: Hor. *Epod.* 16.13-14; and also WATSON (2003) 497, who noted the tradition that Romulus had been interred beneath the *lapis niger*. Festus 184L: *Niger lapis in Comitio locum funestum significat, ut ali, Romuli morti destinatum ...*; Ps. Acro. *Schol. in Horat. Ep.* 16.13-14: *Idest et illa, quae sepulta sunt, dissipabit. Plerique aiunt in Rostris Romulum sepultum esse et in memoriam huius rei leones duos ibi fuisse, sicut hodieque in sepulchris videmus, atque inde esse, ut pro Rostris mortui laudarentur.*

δεδοίκασιν ἀφανισμοῦ τῆς πόλεως σημεῖον ὑπολαμβάνοντες, ἀφ' ἧς ποτ' ἂν αἰτίας  
γένηται<sup>62</sup>

There are many other indications, it seems, when a priestess is not performing her holy functions with purity, but the principal one is the extinction of the fire, which the Romans dread above all misfortunes, looking upon it, from whatever cause it proceeds, as an omen that portends the destruction of the city.<sup>63</sup>

The belief that the continuation of the flame was a sign of the continuation of Rome itself had the consequence of investing the Vestals, whose task it was to keep vigil over the flame, with a significant symbolic importance that was measured in the purity (i.e. virginity) of the priestesses. The connection between Vestals and the safety of Rome can also be inferred from the fact that the *aedes Vestae* housed the *palladium*. The *palladium* was a statuette of the armed goddess Pallas, Trojan in origin, and believed to have been brought to Rome by Aeneas.<sup>64</sup> The potent nature of the *palladium* was tied to its location, a point which is underscored by Ovid:

“aetheriam servate deam, servabitis urbem:  
imperium secum transferet illa loci.”<sup>65</sup>

Save the celestial goddess [Pallas], and in so doing you will save the city. She will transfer with herself the seat of empire.

Ovid draws a connection between the *palladium* and *imperium* that correlates with Cicero's description: *Palladium illud quod quasi pignus nostrae salutis atque imperi custodiis Vestae*

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<sup>62</sup> Dion. Hal. *Rom. Ant.* 2.67.5.

<sup>63</sup> Translation by CARY (1937) 509 (slightly modified).

<sup>64</sup> Ov. *Fast.* 6.417-36; also note discussion of the Trojan origin of the *palladium* in AUSTIN (1964) 83-5.

<sup>65</sup> Ov. *Fast.* 6.427-8.



*continetur* “[the] *palladium* which is, as it were, the pledge of our safety and *imperium*, and is in the safe keeping of Vesta.”<sup>66</sup>

The importance of safety to the Romans is clear from their relationship with the goddess Salus, who was recognised with a temple in the Middle Republic.<sup>67</sup> Under Augustus, a renewed sense of the importance of Salus is suggested by the fact that he set up a statue to the goddess in 11/10 BCE after he became *pontifex maximus*.<sup>68</sup> Eckstein, drawing upon the work of Koch and Linderski, has noted that the Roman expressed their concern for the state’s safety with reference to, among other things, the Vestals:

“Salus (Safety) was as central in Roman thought as Victoria – and clearly they are linked. Not only do we have the temple of Salus, but the most typical Roman oath pledged one’s destruction if the oath were violated, “only let the city remain unharmed [*salva urbe*].” Fears of destruction of the city and its people were also ward off by invocations of the Capitol, or the Vestal Virgins, or the Palladium, a magic statue of Athena allegedly rescued from destroyed Troy, kept in the temple of Vesta, and rescued from fire in 241 by the *pontifex maximus*. The main concern of Roman state religion, as Jerzy Linderski says, was *salus publica*, the security of the Roman state.”<sup>69</sup>

Increasingly scholarship has drawn attention to how the Vestals’ virginity represented the safety of Rome. Parker offered an assessment of the topic from an anthropological perspective, noting that:

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<sup>66</sup> Cic. *Scaur.* 48 (quoted p 10 above).

<sup>67</sup> Livy 9.43.25. For more on the Mid-Republican Salus temple: ZIOLKOWSKI (1992) 144-8.

<sup>68</sup> Dio 54.35.2. Augustus also set up statues to Concordia and Pax at the same time suggesting a mutual dependence between the three divinities; also see discussion in RICH (1990) 215.

<sup>69</sup> ECKSTEIN (2006) 223. Eckstein cites LINDERSKI (1993) 55-56; note esp. p 55: “Roman state religion was not interested in individual salvation; its only concern was *salus publica*, the security of the Roman State, or in Roman terms, the preservation of *pax deorum*”.

“The Vestal was ... the *totem* of Rome, and her sacred character derives from her status as the embodiment of the clan. Her virginity is a type of binding spell familiar from ritual observances in many cultures. A single totemic item is invested with the safety of an individual or state. As long as it remains unharmed, so does that which it signifies. For Rome there was, significantly, the Palladium, which the Vestal Virgins guarded and with which they were associated and identified as the ‘guarantee of Roman power.’ Thus, as long as the Vestal remained intact, so did Rome.”<sup>70</sup>

Parker’s observation that the Vestal was the embodiment of the clan is central to understanding how their virginity became invested with such meaning that live burial was considered an appropriate response to its loss. Parker drew a correlation between the Vestals’ continuing virginity, their guardianship of the *palladium*, and the survival of Rome. Given that the flame in the *aedes* shared a similar relationship with the continuity of Rome and the Vestals’ virginity, it is clear that there were a number of ways in which that virginity was seen as essential to the survival of the City.

As Rome moved further into the Augustan principate, there was a shift in how the safety of the state was conceptualised. The changing conceptualisation of what constituted Rome’s safety is a recurring theme in this dissertation, and it is worth exploring how this affected what the Vestal cult represented in more detail. Recalling the description of the *palladium* as an *imperi pignus*, we can observe that variations on the phrase *pignus nostrae salutis atque imperi* ‘the guarantee of our safety and *imperium*’ can be found in a number of references to the *palladium* and even to Vesta.<sup>71</sup> The value that the Romans invested in the *palladium* was such that it became a target for those disaffected with Rome.<sup>72</sup> Even so, the term *imperi pignus* was applied more symbolically by Ovid on the occasion of Augustus becoming *pontifex maximus*:

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<sup>70</sup> PARKER (2007) 73.

<sup>71</sup> Livy 5.52.7, 26.27.14; Serv. *ad Aen.* 7.188 (discusses the seven guarantees of Roman *imperium* including the *palladium*); Sen. *Controv.* 1.3.1 (Vesta).

<sup>72</sup> Livy 26.27.14.

Sextus ubi oceano clivosum scandit Olympum 415  
     Phoebus et alatis aethera carpit equis,  
 quisquis ades castaeque colis penetralia Vestae,  
     gratare, Iliacis turaque pone focis.  
 Caesaris innumeris, quos maluit ille mereri,  
     accessit titulis pontificalis honor. 420  
 ignibus aeternis aeterni numina praesunt  
     Caesaris: imperii pignora iuncta vides.  
 di veteris Troiae, dignissima praeda ferenti,  
     qua gravis Aeneas tutus ab hoste fuit,  
 ortus ab Aenea tangit cognata sacerdos 425  
     numina: cognatum, Vesta, tuere caput.  
 quos sancta foveat ille manu, bene vivitis, ignes:  
     vivite inextincti, flammaque duxque, precor.<sup>73</sup> 428

When for the sixth time Phoebus ascends the slope of Mount Olympus from the ocean and plucks his way through the heavens on his winged horse, you, whosoever you are, who approach and worship at the innermost shrine of chaste Vesta, wish joy to the goddess, and offer incense at the Ilian hearth. To Caesar's innumerable titles, which he has preferred to earn, has been added the honour of the pontificate. The divinity of eternal Caesar presides over the eternal flames: you see the guarantees of *imperium* joined together. Ancient gods of Troy, a most worthy prize for him that bore it, weighed down by which Aeneas was safe from the enemy, a priest from the line of Aeneas touches your related divinities. Vesta, protect your kinsman's head. Fires, which are maintained by his sacred hand, you live well. I pray that both flame and leader live unextinguished.

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<sup>73</sup> Ov. *Fast.* 3.415-28.

During the Late Republic the Romans increasingly began to view the safety of the state as dependent upon a single strong political figure: a Julius Caesar, an Augustus.<sup>74</sup> Ovid's use of the language of safety draws together the divinity of Caesar with the eternal flame of Vesta. Ovid's use of 'Caesar' above can be read as both a reference to the Divine Julius Caesar, and to his adopted son who was heir to a legacy that included divinity.

In the passage above, Ovid draws an association between Augustus becoming *pontifex maximus* and the safety of the state in order to highlight just how significant the *princeps* had become to Rome by 12 BCE. The safety of the state in this case is represented by the flame of Vesta. The final lines (ll. 426-7) suggest that, not only will Vesta guard Augustus, but that Vesta's fire now came under the protection of Augustus. Through this mutual dependence, Ovid ties the success of Vesta's cult to the success of Augustus. On a more abstract level, the intersection of Augustan success, and the safety implied therein, further suggests that the integrity of the Vestals' virginity (represented by Vesta's flame) was now bound to Augustus through their shared connection with Rome's safety.

A similar sentiment is more forcefully conveyed earlier in Ovid's *Fasti*, when it is suggested that Vesta will be protected (*tuebitur*) by another:

Iliacos accipe, Vesta, deos!	528
tempus erit, cum vos orbemque tuebitur idem,	
et fient ipso sacra colente deo,	530
et penes Augustos patriae tutela manebit:	

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<sup>74</sup> The connection between Julius Caesar and the safety of the state is apparent most (ironically?) strongly in: Cic. *Marcell.* 22, 25, 29, 32-3; also see discussion in WEINSTOCK (1971) 167-71. For the association between Augustus and the safety of the state see: Dio 54.35.2 (Augustus erects a statue to *Salus publica*); Hor. *Carm.* 1.2.41-52 (Augustus as the saviour of Rome), 4.5.25-8; Ov. *Fast.* 1.527-32, *Tr.* 2.574; Verg. *Geor.* 1.24-8 (Augustus as a potential protector of the state); also see discussion in WEINSTOCK (1971) 171-2; for references to safety on Augustan coinage note: *RIC* 1.68 nos. 353, 356-8.

Vesta, accept the gods of Ilium! There will be a time when the same [man] will protect you and the world, and when a god will himself hold the sacred rites, and in the power of Augustus' line the guardianship of the fatherland will endure: it is *fas* for his house to hold the reins of *imperium*.

Vesta will fall under the protection of the same man who will protect the world. Green has noted that *deo* here could be a reference to either Caesar or Augustus.<sup>76</sup> The implications for what it means to be a Vestal, and what it means for Vesta to be under the protection of the Augustan line, cuts to the very definition of the cult's role in the safety of the state. The protective force of the Augustan line is here elevated above that traditionally assigned to divinities like Vesta. If Rome's protective goddess Vesta is herself protected by Augustus then the dynamic between Vesta and Rome has been considerably altered, with Vesta now assuming a secondary position in the face of Augustus' pre-eminence.

## THE VESTALS IN RECENT SCHOLARSHIP

The widespread appeal of the Vestal Virgins is testified by the variety of the scholarship. This includes monographs,<sup>77</sup> theses,<sup>78</sup> and numerous articles.<sup>79</sup> An article of particular note is Beard's 'The Sexual Status of Vestal Virgins' which marked a turning point in the

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<sup>75</sup> Ov. *Fast.* 1.528-32.

<sup>76</sup> GREEN (2004a) 243.

<sup>77</sup> GIANNELLI (1913); WORSFOLD (1932); BRELICH (1949); GUIZZI (1968); MARTINI (2004); WILDFANG (2006); MEKACHER (2006); THOMPSON (2010).

<sup>78</sup> KORTEN (Diss., Universität Erlangen-Nürnberg 1992); MCDANIEL (Diss., University of North Carolina 1995); LINDNER (Diss., University of Michigan 1996); WRIGHT, (Diss., University of Washington 1995).

<sup>79</sup> This is by no means a complete list of articles relating to the Vestal Virgins, but some prominent examples are: WHITE (1919) 153-5; ROSE (1926) 440-48; ROSE (1928) 79-80; HOMMEL (1972) 397-420; CORNELL (1981) 27-37; FRASCHETTI (1984) 97-128; BOLDRINI (1995) 295-300; CANCIK-LINDEMAIER (1996) 138-50; MUSTAKALLIO (1997) 73-80; MARTINI (1997) 245-63, 477-503; LOVISI (1998) 699-735; MEKACHER, VAN HAEPEREN (2003) 63-80; KROPPENBERG (2010) 418-39.

scholarship.<sup>80</sup> Beard claimed that the Vestals anomalous position could be understood in terms of gender dynamics, i.e. that the Vestals might be considered as both man and woman in regard to their legal privileges.<sup>81</sup> Beard utilised social anthropology to support this reading of the evidence and concluded that the importance of ‘the anomalous’ had often been overlooked by historians, and that they could benefit from anthropology in this matter.<sup>82</sup> These ideas were radical and Beard’s approach stimulated scholarly interest that demonstrated an increased focus on gender as a means of decoding the Vestals.<sup>83</sup> Beard’s own reassessment fifteen years later of the ideas proposed in the ‘The Sexual Status of Vestal Virgins’ curtailed further pursuit of the thesis that the Vestals represented both male and female elements.<sup>84</sup> In both articles, Beard presented a static picture of the Vestal order, focussing discussion through physical and characteristic attributes, such as hairstyle, mode of dress, and legal privileges, with the underlying assumption that these features were timeless.<sup>85</sup> In contrast to Beard’s synchronic approach, I work from the assumption that there is enough evidence from the Late Republic and Augustan Principate to (re)construct a narrative of how the Vestal cult changed during this period.

The influence of anthropology on the study of Vestals is felt most strongly through Douglas’ pivotal work *Purity and Danger*. In this work, Douglas provided insights into the human construction of taboos, and these can be profitably utilised to enhance understanding of the Vestals’ place in Roman society and thought. Douglas observed that:

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<sup>80</sup> BEARD (1980) 12-27.

<sup>81</sup> BEARD (1980) 18: “This threefold aspect of the Vestals’ status, the virginal, the matronal and the male (or to be more sceptical, their dual role as virgin and matron), seems to me to be crucial to any understanding of their sexual identity”.

<sup>82</sup> BEARD (1980), 12, 27.

<sup>83</sup> HALLET (1984) 85 n. 30; SCHEID (1992a) 383-4; however cf. GARDNER (1986) 24.

<sup>84</sup> BEARD (1995) 166-77.

<sup>85</sup> On the synchronic approach to Vestal attributes, note Beard’s position on the issue of *lictors* for Vestal Virgins: BEARD (1980) 17 n. 46. I do not discuss in detail how the Vestals were visually distinct from other categories of Roman citizens. This aspect of the Vestal Virgins has been addressed in detail by Beard and other scholars. On the nature and significance of the Vestal Virgins’ dress: DRAGENDORFF (1896) 281-302; BEARD (1980) 16; LA FOLLETTE (1994) 56-61; STAPLES (1998) 145-7; OLSON (2008a) 22-3, 27, 36-9; FANTHAM (2008) 163-7.

“The body is a model which can stand for any bounded system. Its boundaries can represent any boundaries which are threatened or precarious. The body is a complex structure. The functions of its different parts and their relation afford a source of symbols for other complex structures.”<sup>86</sup>

While Douglas’ interest in this idea pertained to the permeability of the body as a structure that could produce various excretions that then could accrue the value of taboo or pollution, this idea is constructive when considering the unique position of the Vestal Virgins. The Vestals were valued for their physical integrity. They represented a wholeness that remained un-penetrated and at the same time fulfilled an unnatural role by doing so. By this, I mean that other Roman women (*virgines*, *matronae* and prostitutes) were engaged in, or could soon expect to be engaged in, sexual activity. Vestals stood apart from that normative process and they assumed symbolic value through this difference from other women. That the Romans demarcated colleges of priests by sex suggests that the gender of the Vestals Virgins added in some way to what they symbolised.<sup>87</sup> Their collective organisation, gender, and comparative visibility in ancient sources, explains why they have drawn more attention than other Roman priestesses.<sup>88</sup>

To return to scholarship which deals directly with the Vestal Virgins, a development in the theoretical approach to these priestesses can be seen in Staples’ monograph, *From Good Goddess to Vestal Virgins: Sex and Category in the Roman Religion*. Staples examined the Vestals in terms of their ‘sexual category’, a term that can be readily paralleled with Beard’s phrase ‘sexual status’.<sup>89</sup> Staples argued that the Vestals’ separation from other Romans

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<sup>86</sup> DOUGLAS (1966; 1978) 115.

<sup>87</sup> That the Vestals were a distinct collective of priests within the *collegium pontificum* is affirmed by their internal hierarchy, which is suggested by the *virgo Vestalis maxima*. WRIGHT (Diss., University of Washington 1995) 139, takes this further to suggest that the Vestals possessed a single collective identity.

<sup>88</sup> It is not within the scope of this thesis to examine the other Roman priestesses, but included in this category are the *Flaminica Dialis*, and the *regina sacrorum*.

<sup>89</sup> STAPLES (1998) ix: credited Beard as one of the supervisors of the dissertation that formed the basis of this monograph so a clear line of scholarship can be drawn on the parallel between the phrases ‘sex and category’ (Staples) and ‘sexual status’ used by BEARD (1980) *passim*.

allowed them to represent Rome.<sup>90</sup> The idea that the Vestals possessed the capacity to represent Rome is also followed by Parker, who specifically tied this with the safety of the state.<sup>91</sup> I agree with Staples and Parker that the Vestals can be viewed as representative of the state and particularly the state's safety. This interpretation of the Vestals' significance neatly explains many of the roles that these priestesses assumed in the late Republic and Augustan periods. In regards to Vestal virginity, Staples argued that "the effect of ... sacred virginity on the woman herself was that her individual potential for sexuality and procreation was suppressed. Ideological virginity was designed to suppress that potential."<sup>92</sup> My position differs from Staples' assessment on this point. It was not the Vestals' *potential* for sexuality and procreation that was suppressed by their continual virginity, but rather their virginity was designed to curb their ability to *act* on their sexuality and to engage in *acts* of procreation. I argue that it was precisely the continuing possibility that Vestals' could engage in sexual acts and procreation (albeit with severe consequences) that granted so much weight to their virginity. I will return to this point throughout the thesis, especially in Chapters One and Two.

While there is a substantial bibliography of scholarship on various aspects of the Vestal cult, there have been comparatively few attempts to assess the development of the cult during specific periods of Roman history. Three recent monographs on the Vestals, however, are indicative of an increasing interest in understanding the cult and its priestesses within specific historical contexts: including Martini's *Le vestali. Un sacerdozio funzionale al «cosmo» romano* (2004), Mekacher's *Die vestalischen Jungfrauen in der römischen Kaiserzeit* (2006), and Wildfang's *Rome's Vestal Virgins: A study of Rome's Vestal priestesses in the late Republic and early Empire*. A review of each work is warranted to illustrate the differences in their approaches to my own.

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<sup>90</sup> Staples (1998) 130: 'My thesis is that because the Vestals were set apart from the collectivity and could not represent any single ritual category, they were able to represent the whole. In a ritual sense the Vestals *were* Rome'; cf. Pomeroy, S. B., *Goddesses, Whores, Wives, & Slaves* (1975) 210.

<sup>91</sup> Parker, H. N., 'Why Were the Vestals Virgin? Or the Chastity of Women and the Safety of the Roman State' in MacLachlan, B., Fletcher, J. (eds) *Virginity Revisited* (2007) 68-9.

<sup>92</sup> Staples (1998), 147.



Martini's project deals with Roman historiography and the Vestals' place in the development of the Roman world. Martini has addressed each case of Vestal *incestum* recorded during the Republic and has proposed a correlation between Vestal *incestum* and political developments in Rome. This is clearly illustrated in the first recorded instance of Vestal *incestum*, the case of Pinaria, whose punishment for unchastity has been symbolically linked by Martini with the transition from monarchy to *res publica*.<sup>93</sup> The underlying assumption of Martini's work concerning Vestal *incestum* is that cases of Vestal *incestum* were linked by the ancient authors to the development of the City and heralded change or transformation of some kind. Such an interpretation of Vestal *incestum* takes further the tradition already present in scholarship that such cases have broader symbolic and/or political implications.<sup>94</sup> Schultz has raised a number of difficulties with the explanations advanced by Martini, particularly concerning the treatment of Minucia's and Sextilia's *incestum*.<sup>95</sup> Although Martini and I share a diachronic approach to the evidence for Vestal *incestum*, an examination of the single case common to both our discussions serves to highlight the difference in our methodologies.

The one case of *incestum* that both Martini and I consider in detail is the triple trial of Aemilia, Licinia and Marcia in 114/3 BCE.<sup>96</sup> Martini links these Vestal *incestum* trials with the establishment of the Roman colony Narbo Martius in 118 BCE.<sup>97</sup> The establishment of Narbo Martius in 118 BCE predates the trial of the Vestals by four years and the distance between the two events is not satisfactorily resolved by Martini, who argues that there is an 'annalistic' connection between the two.<sup>98</sup> The essential difficulty in situating the catalyst of the Vestal trials in the politics surrounding the foundation of Narbo Martius is that it overlooks the events that immediately precede the accusations of *incestum*. Importantly, there is no connection made between the two events in the ancient evidence. It appears that Martini's analysis of the evidence is constrained by the theoretical position adopted – that cases of Vestal *incestum* during the Republic signified pivotal moments of social and/or

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<sup>93</sup> MARTINI (2004) 100-110.

<sup>94</sup> For example see: MÜNZER (1920) 173-8; GRUEN (1968a) 59-63. The positions of both Münzer and Gruen on this issue are discussed in more detail in Chapter Two.

<sup>95</sup> SCHULTZ (2008) 214

<sup>96</sup> For my discussion of the evidence, see Chapter Two.

<sup>97</sup> MARTINI (2004) esp. 203-10.

<sup>98</sup> MARTINI (2004) 203-5.

political evolution. In contrast to Martini, my approach has been to study the *pattern* of the evidence for Vestal *incestum* as it appears throughout the Republican period. I am interested in the possible connection between Vestal *incestum* and the broader events concerning Rome, and particularly in the assumed reading of this evidence as signifying important events, such as political crises, and the endangered City.<sup>99</sup> While Martini is interested in Vestal *incestum* for the insights it may provide for the development of the Roman Republic, my examination is interested in how the distribution of Vestal *incestum* during the Republic, and especially the changes apparent in the *frequency* of Vestal *incestum* during the Late Republic and the Principate, alter our understanding of the value of Vestal *incestum* as a way of understanding political change.

Mekacher has provided a systematic overview of the characteristics of the Vestal cult, their cultic tasks, and the archaeological work in the forum pertaining to the Vestals. Given Mekacher's in-depth examination of the evidence, it is fair to say that this monograph was the most comprehensive approach to the Vestal order to appear in any language at the time of the writing of this dissertation. The scope of the project in terms of the evidence is limited only by its chronological focus on the imperial period,<sup>100</sup> which fortunately means there remains a gap for my research! Mekacher's diachronic approach to the evidence mirrors my own approach and important points emerge from adopting this method. For instance, Mekacher has argued for the fundamental, and continuing, importance of the Vestals during the imperial period through their participation in all Roman sacrifices.<sup>101</sup> Mekacher has also provided a new appraisal of the evidence concerning the Vestals' legal position. In line with my own stance, Mekacher affirms the connection between the legal privileges granted to Livia and Octavia and those held by the Vestal Virgins.<sup>102</sup>

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<sup>99</sup> For the connection between political crisis and Vestal *incestum*, consider: MÜNZER (1920) 173-8; GRUEN (1968a) 59-63. For the symbolic correlation between Vestal *incestum* and the continuation of Rome: STAPLES (1998) 135-8.

<sup>100</sup> MEKACHER (2006) 17

<sup>101</sup> MEKACHER (2006) 195.

<sup>102</sup> MEKACHER (2006) esp. 51-2.

Mekacher has traced the changes and developments of the Vestal cult through the imperial period, including their increased public representation, and argued that their public prominence ensured that these priestesses continued to be central to the Romans' understanding of themselves.<sup>103</sup> One of Mekacher's key concerns is to evaluate the extent to which the Vestals were integrated into imperial society given the significant constraints of their cult.<sup>104</sup> It is at this point that my work diverges from Mekacher's. The primary concern of this dissertation is to explore how the Vestals responded and adapted to the changing political climate of Rome in the transition from Republic to Principate. As such, my concern is not so much about the integration of Vestals in society, but rather the extent to which the changes faced by the Vestal cult can be seen as emblematic of the broader changes faced by Rome. For the most part, Mekacher and I focus our research on different periods of history. Some degree of overlap can be seen in our treatment of the Augustan period, and I take account of Mekacher's positions when relevant. In general, I do not seek to question Mekacher's thesis; nevertheless, the ideas that I advance suggest that what it meant to be a Vestal Virgin was challenged in a number of ways by the transition from Republic to Principate. Significantly, the Vestals can be viewed as a collective that adapted and responded to the changing circumstances in which they found themselves.

Wildfang roughly covers the same period of time that I consider in this dissertation, but the substantial differences in our approaches and conclusions suggest that there is room for more work in this field. Wildfang's 2006 monograph *Rome's Vestal Virgins* expanded on previously published articles.<sup>105</sup> The main thesis explored the Vestals' involvement in rites concerned with purification, and argued that purification was the most important aspect of their cultic function.<sup>106</sup> As a consequence of this approach, Wildfang argued that the term 'fertility' is "too general to be of use to us as a tool for understanding the religious functions

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<sup>103</sup> MEKACHER (2006) 195-7.

<sup>104</sup> MEKACHER (2006) 103

<sup>105</sup> WILDFANG (2006). The articles that form the basis for this monograph include: WILDFANG (1999) 227-234; WILDFANG (2001) 223-255; and WILDFANG (2003) 557-564.

<sup>106</sup> WILDFANG (2006) 7-11, 22-8, also see the earlier article WILDFANG (2001) *passim*.

of the Vestals”.<sup>107</sup> Wildfang was correct to acknowledge the lack of specificity implied by ‘fertility’; nevertheless, the term cannot be completely set aside, as it was to some measure inherent in the Vestals’ virginal state. What I mean by this is that the importance of Vestal virginity was partly based upon the fear of the consequences of the loss of that virginity. In cases where Vestals *did* lose their virginity and lived, pregnancy (i.e. a manifest sign of fertility) was the result, as can be seen in the case of the pregnancy of Rhea Silvia. It is reasonable to see the development of severe punishments for *incestum* (loss of virginity) as stemming from the fears of the consequences of a Vestal bearing offspring. In the example of Rhea Silvia, the pregnancy ensured the foundation of Rome and heralded the decline of Alba Longa. Fertility then cannot be entirely ejected from appraisals of the Vestals, and whilst ‘fertility’ may indeed be too broad a term when examining certain religious functions, it does have a role to play in understanding the Vestals’ unique relationship with the sexual, and particularly the symbolism invested in their virginity.<sup>108</sup>

It is only in the final chapter of her monograph that Wildfang directly addresses the Vestals’ place within the historical context and narrative of the Late Republic and the Augustan periods.<sup>109</sup> Wildfang’s short discussion of the Vestals’ role(s) in the transition from Republic to Principate leaves open an opportunity for a detailed examination of the evidence concerning Vestals during these periods, and my dissertation takes up this opportunity.

More recent monographs on the Vestals have not proven useful to this dissertation. Thompson’s 2010 monograph *The Role of the Vestal Virgins in Roman Civic Religion: A Structuralist Study of the crimen incesti* examined the Vestals through the dual lens of myth and history with an eye to ritual; however, despite the emphasis given to the *crimen incesti* in

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<sup>107</sup> WILDFANG (2006) 4.

<sup>108</sup> The importance of fertility as a concept when examining the Vestals is evident in their relationship with water. For further discussion of this issue, see Chapter One *passim*.

<sup>109</sup> WILDFANG (2006) 91-108.

this monograph's title, the work is more broad-based than its title suggests.<sup>110</sup> The general interest approach of this work would have been better served by a more inclusive title.

## THE VESTAL VIRGINS AND RELIGION IN ANCIENT ROME

The integration of religion and politics in Roman thought and activity is now readily acknowledged in scholarship.<sup>111</sup> To demarcate 'religion' as a discrete aspect of the ancient Roman *milieu* is to miss its significance and fundamental necessity to the operation of that society. It is difficult to convey the degree to which religion was culturally integrated into Roman society, and this is at least partly the result of the linguistic and theoretical division marked in English by the term 'religion'.<sup>112</sup> While it is not within the parameters of my dissertation to offer a more appropriate language with which to discuss the politico-religious character of Roman society, I acknowledge here the concerns posed by the challenges of language.

The study of religion and Roman society can be divided into two broad categories in the scholarship: those who seek to define the terms of the discussion, which we can classify as the theoretical approach, and those who seek to understand how Roman religion operates through the evidence, which can be broadly labelled the functional approach.<sup>113</sup> Any study of the Vestal Virgins is intrinsically a study of Roman religion, but it is important to note from

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<sup>110</sup> Close discussion of the *crimen incesti* is limited, see: THOMPSON (2010) 97-8 and esp. 132-44. Thompson's conclusion (pp 145-50) reveals an interest in broader notions of virginity, particular those which develop later in Christianity. The monograph is unfortunately hampered by a number of practical issues that distract from its content, including inconsistent footnoting and poor editing. For particular examples of these issues, see: pp 2-3, for the use of 'Vestal virgins' and 'Vestal Virgins'; pp 44-6 where a paragraph is repeated; for some examples where the footnoting is inconsistent with the overall pattern, see: p 45 n. 58; p 65 n. 80; 72 n. 87; p 75 n. 91; and p 82 n. 98.

<sup>111</sup> RÜPKE (2007) 6-7.

<sup>112</sup> Some of the difficulty is addressed by Ando in regard to our attempts to translate the Latin term *religio*, ANDO (2008) 1-18, esp. 2: "'Religion' is but one possible rendering for *religio* ... It is not that 'religion' does not capture the force of *religio* in one of its uses, but rather that this usage is not primary, and its field proves harder to map onto 'religion' than one might expect".

<sup>113</sup> Although it is impossible to draw a definitive line between works of a strictly theoretical or functional nature, it is nevertheless the case that some works are inclined to one approach over the other. For theoretical considerations, see: BENDLIN (2000) 115-35; ANDO (2008) 1-15. Works that take a more functional approach include: WISSOWA (1902; 1912); LATTE (1960); LIEBESCHUETZ (1979), prioritised a chronological approach to the question of Roman religion; also note WARDMAN (1982).

the outset that I consider my work to be firmly situated in the second category; through a study of the evidence, my dissertation seeks to reveal a new perspective on the intimate connection already acknowledged between religion and politics. I do not propose radical theoretical speculation regarding the nature of religion within the context of ancient Rome. It is my foremost aim to illuminate the changes that the Vestal order faced during a period of great political instability.

Examining religion during the Late Republic and the Principate requires a consideration of both the ancient and modern attitudes expressed towards religious performance in a political context. After a consideration of the conflict that arose between Cicero and Clodius, Liebeschuetz noted that “[m]uch of the evidence for the importance of religion in the public life of the late republic shows it being manipulated for partisan political purposes”.<sup>114</sup> It is the task of the Roman historian to continually return to the evidence with an eye for the potential political reading in any given religious performance. Accordingly, the view that Roman religion was “manipulated” for political purposes has given way to a more inclusive approach articulated by Bendlin: “the interrelation of the religious and the political cannot be properly explained by the modern conception of their separation. Rather, these were inextricably linked facets of one and the same cultural phenomenon”.<sup>115</sup> The gradual shift in thinking about how the pieces of the Roman religious puzzle fit together is important background for this dissertation. In the case of the Vestal Virgins, an examination of their changing role in terms of their ritual performance provides an important basis for considering their changing relationship with Roman politics.

Rome’s relationship with the gods is central to our understanding of their religion. This can be seen with striking effect when examining the Vestal Virgins. Their central importance within the performative context of Roman religion is clear when we understand that the *mola*

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<sup>114</sup> LIEBESCHUETZ (1979) 2.

<sup>115</sup> BENDLIN (2000) 119.

*salsa* produced by the Vestals was an important part of the purification of sacrifices.<sup>116</sup> Nevertheless there continues to be points of speculation, even in recent scholarship, as to the degree that these priestesses were involved in the performance of ritual acts.

The issue of Vestal activity is tied to broader ideas concerning the nature of women's participation in Roman religion. The role of women in Rome's religious activity has not always been recognised in scholarship. A notable position taken in regard to women and sacrifice is that of de Cazanove,<sup>117</sup> who argued that women lacked the legal capacity (*ius*) or ritual fitness (*fas*) to conduct blood sacrifice. For the purposes of de Cazanove's argument, the Vestal Virgins were classified as men in terms of their relationship to blood sacrifice.<sup>118</sup> In the case of the Bona Dea rites, where men were not permitted, the Vestals can be assumed to have sacrificed the sow.<sup>119</sup> I agree with de Cazanove that the Vestals most likely performed the sacrifice at the Bona Dea rites.<sup>120</sup> The argument for excluding women from blood-sacrifice, however, is predicated on the supposed existence of clear, gendered roles for sacrifice in ancient Rome, a situation which, even by de Cazanove's own admission,<sup>121</sup> is not definitively established by the evidence. The decision to view Vestals as men for the sake of sacrifice has the effect of de-feminising Vestals in order to understand them. But the gender of Vestals could not be more important than in a situation such as the Bona Dea rites where only women were permitted to attend.<sup>122</sup>

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<sup>116</sup> The importance of performance in Roman religion has been long recognised by scholars, for instance: NORTH (1976) 1. On the Vestals and the production of *mola salsa* see: LATTE (1960) 108-110; BEARD, NORTH, PRICE (1998) 51-2; WILDFANG (2006) 28-9.

<sup>117</sup> DE CAZANOVE (1987) esp. 167-71.

<sup>118</sup> DE CAZANOVE (1987) 169-70.

<sup>119</sup> Given the rigid exclusion of males from the December rites, it is a reasonable assumption that the Vestals oversaw the sacrifice. On the sacrifice of a sow in connection with Bona Dea in May, see Macrob. *Sat.* 1.12.20-22, but in December, see Juv. 2.82-90. For a discussion of the dates associated with these sources, see: BROUWER (1989) 349-50.

<sup>120</sup> A view supported by Cic. *Har. Resp.* 37.

<sup>121</sup> DE CAZANOVE (1987) 168.

<sup>122</sup> A vivid description confirming that men were not permitted to attend the Bona Dea rites is given by Juv. 6.336-45.

A consideration of ancient literary sources suggests that gender was a criterion for the restriction of women in the participation of *some* religious activity in Rome. Cicero, for instance, appears to support the view that women participated in *some* sacrifice:

Nocturna mulierum sacrificia ne sunt praeter olla, quae pro populo rite fient<sup>123</sup>

No nocturnal sacrifices should be performed by women except those that will take place for the people according to established rite

The implication of this restriction on women performing sacrifice is that they were able to sacrifice at night, as long as the sacrifice was appropriately conducted (*rite*).<sup>124</sup> It can be further assumed that, since the annual rite to Bona Dea in December was conducted at night, and it was sanctioned by the state,<sup>125</sup> that it was performed in ‘accordance with established rite’.<sup>126</sup> It is reasonable to conclude from Cicero’s statement that the Vestals’ possessed the legal and religious capacity to offer blood sacrifice and that some women could and did offer blood sacrifice in ancient Rome.<sup>127</sup> De Cazanove’s position excluding women from sacrifice has received support,<sup>128</sup> but, in an important corrective, it has been recently contested by Schultz.<sup>129</sup>

Schultz’s *Women’s Religious Activity in the Roman Republic* offered the thesis that “Roman religion was far more gender-inclusive than is usually presented”, marking a new epoch in

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<sup>123</sup> Cic. *Leg.* 2.21.

<sup>124</sup> The Vestals were also mostly likely to have conducted sacrifices during the day, for instance consider the *Fordicidia* (Ov. *Fast.* 4.629-40).

<sup>125</sup> The annual rite to Bona Dea was held in a house of a Roman magistrate, notably examples of this are the rites of 63 BCE, which were held in Cicero’s house when he was consul, and 62 BCE when they were held in Caesar’s house when he was praetor.

<sup>126</sup> These points appear to be confirmed by Cicero’s comments on the Vestals’ involvement in the rites to Bona Dea at *Har. resp.* 37.

<sup>127</sup> Note here also Cic. *Leg.* 2.21.

<sup>128</sup> SCHEID (1992a) 379-80 and notes; this position is also tentatively offered by BEARD, NORTH, PRICE (1998) 297.

<sup>129</sup> SCHULTZ (2006) 5-9, 131-37. For a more selective study that considers the issue of the participation of women in cult practices, also see: DORCEY (1989) 143-155.



approach and attitude to this field of study.<sup>130</sup> Schultz argued that the variety of roles that women undertook in Rome's religious activities forces a reconsideration of how the structure of priesthoods is understood, in order to accommodate women as integrated rather than peripheral.<sup>131</sup> Schultz's assessment that the "Vestal Virgins did not stand alone, but were instead the most prominent members of a group of women who held high-profile positions in the religious life of Rome" acknowledges that more scholarly attention has been paid to Vestal Virgins than to other women who performed in a religious context.<sup>132</sup> The shift in scholarly attitude towards the role(s) of women in Rome is a positive development. Schultz's work exemplifies in a salutary fashion an inclusive approach to different types of evidence including archaeological, epigraphical, and literary sources. Schultz's argument for an inclusive interpretation, with which I agree, has influenced my approach to the activity of Vestal Virgins.

## METHODOLOGY

One of the chief difficulties that must be addressed in a diachronic study of the Vestal Virgins is the evidence. A great deal of the source material for the Late Republic and Roman history before that period emerges under the Augustan Principate. The principle issue is to what extent we take on trust the Augustan version of Rome's recent and more distant past. The way that I have chosen to pursue this issue serves as my methodological statement. While every attempt has been taken to examine the contemporaneous evidence for the Late Republic where it is available, it is fair to say that our picture of the Republic in general is highly influenced by the way that that period has been characterised (and perhaps romanticised) in later sources. The most important shift between *what* happened in the Late Republic and what was later *thought* to have happened is the perception amongst Romans

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<sup>130</sup> SCHULTZ (2006) 5.

<sup>131</sup> SCHULTZ (2006) 151-2.

<sup>132</sup> SCHULTZ (2006) 151-2.

that *significant change* had taken place.<sup>133</sup> Given the disparate range of sources available from the Late Republic as opposed to the Augustan period there is a point at which we have to acknowledge that our understanding of *what* happened in the Late Republic has been severely curtailed by our access to the evidence. This, however, is very different to saying that we do not or cannot know anything about what happened.

The criticism that the Augustan sources may present a re-imagined, ideal past that fits with Augustan values is difficult to counter, precisely because the source material is more prolific for the Augustan period than the Republic. What remains is a fragmentary version of the Republic that becomes more substantial as the period closes in on the Principate. Cicero stands out as both the last and the most substantial source that we possess for the Republic; his death in 43 BCE places him outside the influence of the political situation that would develop under Augustus. There is no question that Octavian's career represented a fundamental change in the political operation of Rome; the transition from Republic to Principate constituted real change. To what degree this 'real change' was conveyed by the source material is a different question. If we operate from the position that the Romans tended to re-imagine myths and past traditions as a response to changing social realities, the difficulty remains that any study of the past can be criticised on account of its distance from that past reality. One way to counter such criticism is to compare the evidence from different periods, in our case the Republic and the Principate. Unfortunately, we cannot always do this for the Republican period of Roman history, as the majority of written source material prior to the Late Republic is unavailable, so we have to come up with an alternative means of tackling the difficulty. For my part, the most rational solution is to assume that there is validity to the *key idea* that appears across the authors of the Late Republic and the Principate: that the period between c.150 BCE and 14 CE was one of substantial change. We cannot know how accurately authors reflected their own times, or how accurately they

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<sup>133</sup> The evidence suggests that there was a significant difference perceived by the Romans between the period prior to, and the period after, Octavian's meteoric career. For instance, Ov. *Fast.* 3.415-28 considers the addition of the role of *pontifex maximus* to Augustus' countless (*innumeris*) titles; and Livy *Per.* 134 acknowledges the award of the title 'Augustus' after the reorganisation of the provinces. It is a continuing difficulty that the attitude towards Augustus in many of the literary sources cannot be definitively viewed as either positive or negative.

understood the past, or how much value they placed on an accurate construction of either their past or their present; nevertheless, there has to be a point at which, as a historian, you decide to trust the source material. I am not interested in questions of theory *per se* or in reading the sources with an overt theoretical position in mind. The content of the source material is my first priority, and my approach to the source material is guided by my willingness to grant evidence consideration, regardless of genre, if it provides some illumination on the problem under discussion.

My methodology prioritises a close examination of the evidence. My reading of the evidence has produced results distinct from those in previous studies precisely because the angle from which I have chosen to read the evidence is unique. It has been my endeavour to read the evidence with a view to the Vestal Virgins themselves. One major question that I address is: can a reconstruction of the Vestals' history, as it emerges from the evidence, provide insights into the broader changes taking place in Rome between c. 150 BCE and 14 CE? Another important focus is to examine how the Vestals responded to their changing circumstances.

The structure of this dissertation reveals the distinction I have drawn between Vestals who fall distinctly into Rome's mythic/archaic past and Vestals who appear to have been active in the historical record. The criteria for placing a Vestal in the mythic past is based either upon a miraculous account of their lives, or their ambiguous status as Vestals in the evidence. I discuss these (mythic) Vestals separately in Chapter One. Vestals of the mythic past may have at one time been real priestesses, but, as it stands, the evidence suggests rather than confirms their existence. The inclusion of these Vestals with a mythic aspect to their representation is an important marker of my methodology; I consider the idealised stories about Vestals as a significant means of strengthening our understanding of the priestesses as a whole. Consideration of these Vestals also reflects the importance that the Romans attached to these stories of their past. The inclusion of the study of Vestals from Rome's archaic past is not only a means of introducing the importance of the Vestals as a symbol of Rome, but also represents a holistic approach to the evidence for Vestals which sets this study apart from previous scholarship.

A consideration of the main sources is warranted, drawing attention, as it does, to my methodological principles. Cicero has already been discussed in some detail; what remains is an overview of the authors whose lives and works overlap with the rise of Augustus. It is a significant limitation that we lack any full narrative history in Latin from the period of Augustus' rise, especially for the years after 31 BCE. As noted earlier, Livy's *Ab urbe condita libri* 'from the founding of the City' only survives in the form of summaries (*Periochae*) for the years concerning the Late Republic. This is likewise the case for Books 121-142, which cover the career of Octavian/Augustus. Authors who wrote during the lifetime of Augustus and mention the Vestals include Dionysius of Halicarnassus, Horace, Livy, Ovid, Vergil, and Velleius Paterculus.

My approach to the source material has been to prioritise the evidence from the period under examination where possible. One consequence of placing emphasis on the sources contemporaneous with Augustus is that I place an equivalent value on the information provided by the poets, particularly, Ovid, Horace, Propertius, and Vergil. My willingness to deal with the poets in what is, essentially, a dissertation concerned with history is demonstrative of my belief that there is a need for *less* distinction between the disciplines of Classics and History. The inclusion of a study that marries traditional aspects of history with classical modes of analysis, as can be found in the examination of Propertius' Tarpeia in Chapter One, stands as an example of how our reading of the evidence can be enhanced when historical and literary analysis are conducted side-by-side. The connection between Vestal *ideal*, as it might be portrayed in a genre like poetry, and the Vestals who emerge from the other genres is an important complexity that we are dealing with when we consider these priestesses. Genre is not necessarily a barometer of the plausibility of the information conveyed; this is especially the case when considering the figures that are recorded in both Roman poetry and history. I agree with the assumption that Roman historiography has a

strong relationship with idealisation in the same way that we readily assume is the case in poetry.<sup>134</sup>

Despite the difficulties with the source material, we should not lose sight of the fact that events did occur and they occurred in a specific way with real consequences. A historian's task is to present a plausible account of events within the limitations of the evidence. Given the general scarcity of evidence for any part of the ancient world, I believe that it is an oversight to overlook a piece of evidence on account of its genre. It is the scarcity of evidence, not only for the Republic, but also the Principate which means that later sources cannot be overlooked in any study of these periods. The narrative of events must be pieced together from a variety of sources, not only poetic, but including later historical works in both Latin and Greek, such as Velleius Paterculus, Suetonius, Tacitus, and Cassius Dio. A critical approach to the sources is essential, and one of the main historiographical issues lies in assessing the degree to which the writing produced under Augustus reflects Augustan concerns; the post-Augustan writings provide a valuable point of comparison.

## **OUTLINE OF DISSERTATION**

My study of Vestal activity during the Late Republic and the Augustan Principate is pursued on two levels. My dissertation is diachronic in the sense that I am concerned with the examination of how the Vestals were affected by and engaged in the transition from Republic to Principate between c. 150 BCE and 14 CE. My chapter structure, however, is both thematic and diachronic in its approach to the evidence. I have adopted a thematic approach because this was the most effective structure for drawing out the trends and/or developments in particular areas that concern our understanding of the Vestals. Within the context of each

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<sup>134</sup> Consider, for instance, FOX (1996), who dealt specifically with the relationship between history and mythology in the Roman context.

chapter, I've approached the evidence in a diachronic fashion in order to highlight the changes that the Vestals experienced during these turbulent years of Roman history.

Chapter One stands apart from Chapters Two to Six, as it examines representations of Vestals in mytho-historical settings, whereas as the other chapters maintain a historical focus. Chapter One stands as an entry point into understanding the Vestals from a different perspective from previous scholarship and as such sets the tone for the rest of the thesis. In Chapter One, I examine the relationship between the Vestals and water. The relationship between Vestals and water has not been fully appreciated, and this chapter provides a sustained examination of the use of water in Vestal ritual, as well as the connections between water and Vestals in poetry.

Chapters Two to Six examine different aspects of the Vestal cult that were affected by the destabilisation of the state in the Late Republic and the subsequent emergence of the Principate of Augustus. This represents a new approach to the study of the Vestal Virgins during this period, because it presupposes that the evidence can be read with a view to seeing changes and/or adaptations in the cult.<sup>135</sup> The conclusions reached in Chapters Two to Six build upon each other and present different aspects of what is, by the end of the dissertation, a strong circumstantial case for seeing the Vestals' significance as altered by the politics, the moral reforms, and the changing socio-religious parameters of Augustan Rome.

In Chapter Two, I examine the pattern of Vestal *incestum* cases during the Republic and the Augustan Principate. Analysing the pattern of such occurrences allows new conclusions to be drawn in regard to the wide-spread belief that Vestal *incestum* cases were predominantly representative of Rome's political situation. Moreover, an assessment of the rhetoric

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<sup>135</sup> Such a position has not always been accepted in the study of Vestals, notably: BEARD (1980) 12: "the evidence we have for the Vestals (though ample in comparison with that available for most other ancient priesthoods) is not sufficient to draw any but the most banal comparisons between one period and the next".

associated with Vestal *incestum* cases during the Principate offers a means of seeing how the Vestals' connection with safety was increasingly usurped by Augustus.

Chapter Three provides an overview of the Vestals' activity during the Late Republic, which can be distinguished from the notable lack of Vestal activity recorded during the Principate. I focus here on particular aspects of Vestal activity, including accounts of Vestal involvement in political issues and their independent activity in the religious sphere. The politico-religious nature of Rome means that often these activities overlap with each other, or alternatively a situation can be read as signalling both the religious and the political. The pattern of the evidence is most striking at the end of the chapter, when it becomes clear that there was a point where Vestal activity either ceased or was no longer recorded, the same point at which the Augustan Principate developed.

Chapter Four examines the use of Vestal Virgins as the custodians of documents. This is a key feature of the Vestals' changing role in the Late Republic and the sustained examination of the topic which I provide is a new contribution to scholarship in the field of Vestals. I argue that the document custodianship of the Vestals was a fresh duty that was begun by Julius Caesar, and that his influence on subsequent examples can be heavily felt at times. Importantly, there is a marked gap between the Vestals' custodianship of Mark Antony's will and the will of Augustus, suggesting that the events in 32 BCE had severe repercussions for how the Vestals were perceived, particularly in regards to their ability to keep documents safe.

Chapter Five considers the unique legal status of the Vestal Virgins prior to the Principate and examines how the Vestals were affected by the sustained legal reforms Augustus implemented. The assessment provided here covers much material that has been previously examined; my contribution comes from a novel perspective on the evidence. Reading the evidence with the Vestals in mind reveals a cult diminished by the increasing privileges of

the Roman citizen women. From this viewpoint, the Vestal recruitment crisis of 5 CE takes on added implications, which further our understanding of just how much the Vestals were affected by the rise of Augustus.

Chapter Six seeks to better understand the Vestals' changing topographical relationship with Rome. By examining their changing ritual schedule and the addition of the new shrine to Vesta on the Palatine in 12 BCE, it is possible to see the increasing alignment Augustus sought to have with the Vestals. The possible shift of the *palladium* to the Palatine shrine calls into question the ideal of safety, so long associated with the Vestals, and which was now shared with the *domus* of Augustus.



# I

## VESTALS AND WATER IN ROMAN RITUAL AND LITERATURE

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*The Vestals were required to cleanse the aedes with water on a daily basis as part of their ritual duties. Scholarly disagreement over the symbolic importance of water in this ritual suggests that there is more work to be done. The evidence falls into two categories: sources which deal with the use of water in rituals performed by Vestals, and sources which detail the use of water in mythic and archaic stories about Vestals. In this chapter I seek to broaden understanding of the variety of ways that water features in the evidence pertaining to Vestals. The importance of water as a purificatory agent is revealed by closely examining how the Vestals used it in ritual contexts, while my analysis of the symbolism of water in traditional Vestal stories suggests that the significance of water in these cases often concerns the standing of a Vestal's chastity.*

The Vestals tend to be most associated with the element fire, on the basis that one of their ritual duties was the continual vigilance of the eternal flame which burned in the *aedes Vestae*. The prominent role of fire overshadows to a large degree the significant role of water within Vesta's cult. Water was integral to certain rituals of the Vestals, and it was also an element that was frequently associated with the Vestals in Roman poetry. In my study of the Vestals' relationship with water, I examine both the role of water in Vestal ritual and the relationship posited between Vestals and water in poetic sources in order to develop a fuller picture of how the Romans imbued the Vestals with meaning. In particular, I focus attention

on the poetic sources, as I believe that they are a valuable resource for understanding the symbolism that Roman imputed to the Vestals during the Late Republic and the Augustan Principate. By focusing attention on water, I believe that important things about the Roman conceptualisation of the Vestals can be revealed. The focus on poetic sources allows us to build a picture of the ideal or archetypal Vestal through a study of different examples of Vestals who either adhere to or challenge the archetype implied in the texts. During the course of the thesis, it will become increasingly apparent that the archetypal Vestal that can be observed in connection with water does not easily correlate with the historical Vestals for the time period studied. By this I mean that there is a consistency in the representation of the ideal Vestal, and it does not appear to have been affected by the changes that the cult faced, both to their standing in society and their symbolism, during the transition to Principate. In summation, my examination of water in accounts of the Vestals is both more comprehensive and more in-depth than has been previously undertaken in the scholarship. The value of this study lies in the new perspective I provide in regard to the intimate relationship that the Vestals shared with water in the Roman understanding.

Recent scholarship has sought to draw attention to the importance of water in Vesta's cult, however, disagreements have arisen over its symbolic role. On the basis of the daily use of water in Vesta's cult, Staples proposed that the constant vigil over the flame and the daily cleansing of the *aedes Vestae* were equally important.<sup>1</sup> Staples took the equation of the two elements further, suggesting that "the symmetry between fire and water is evident in the mythical tales of Vestals. The stories of Aemilia and Tuccia reveal the same parallelism, one making proof of her virgin status with fire, the other with water".<sup>2</sup> In response, Wildfang offered the following critique: "Staples' argument ignores the relative importance of the two elements [fire and water] in the Vestals' cult. While it is evident that the Vestals made regular

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<sup>1</sup> STAPLES (1998) 150: "the two elements of fire and water in the cult [of Vesta] must be seen as parallel. They were both part of the daily ritual".

<sup>2</sup> STAPLES (1998) 150. The Vestal Aemilia was held responsible when the fire in the *aedes Vestae* went out in c. 178 BCE. Aemilia called upon the aid of Vesta and threw one of her priestly garments upon the cold ashes. The flame miraculously reignited and thus confirmed Aemilia's chastity. The story is recounted by Dion. Hal. *Rom. Ant.* 2.68. For discussion of Tuccia see pp 66-71.

use of water, it is nowhere evident that this water and the rituals connected with it were of the same central importance to the cult as Vesta's fire and its rituals".<sup>3</sup>

Staples and Wildfang were interested in different aspects of water's symbolism. Staples assumed that the Vestals' daily interaction with fire and water could be understood symbolically in relation to the use of water and fire in Roman marriage rites, and the denial of these elements in Roman exile.<sup>4</sup> On the other hand, Wildfang considered the daily use of water in Vesta's cult as distinct and separate from the fire-vigil,<sup>5</sup> and does not make provision for the fact that the relationship between Vestals and water was also addressed in mythic and archaic stories. The major distinction between the two positions is that Staples adopted an inclusive approach to the symbolism of water, taking into consideration the use of fire and water together in other rites, and suggesting literary parallels, whereas Wildfang argued for a precise correlation between water and purification, limiting the symbolic meaning of water to ritual context alone: "it seems likely that any final definition of water's significance to the Vestal cult must include a purificatory element".<sup>6</sup>

To my mind, Staples and Wildfang were both correct in some ways. Wildfang was right to point out that there was a quantitative difference between eternal vigilance over Vesta's flame and the daily ritual cleansing of the *aedes Vestae*.<sup>7</sup> The first was a never-ending task with no finite conclusion, while the second ritual was unlikely to consume the whole day of any Vestal. Staples was correct to note the broad symbolic importance of water, and particularly fire and water together,<sup>8</sup> as this takes into account the varied evidence for Vestals' interactions with the element, one that not only covers ritual but also the literary symbolism conveyed in regard to mythic and archaic Vestals. I agree with Wildfang that

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<sup>3</sup> WILDFANG (2006) 10. Both Staples and Wildfang offer a position on the importance of the Vestals' interaction with water; this is distinct from MARTINI (1997) 499-500, who provides a more functional description of the Vestals' daily use of water without imputing any symbolic meaning to the element.

<sup>4</sup> STAPLES (1998) 149-50.

<sup>5</sup> WILDFANG (2006) 10-11.

<sup>6</sup> WILDFANG (2006) 11.

<sup>7</sup> WILDFANG (2006) 10.

<sup>8</sup> STAPLES (1998) 149-50.

water had a purificatory capacity within a ritual context. This is clear, not only from the daily cleansing of the *aedes Vestae*, but also from other Roman ritual practices;<sup>9</sup> however, I believe that the evidence suggests that the function of water was not solely purificatory, but had wider symbolic meaning. In my study, I take Staples' acknowledgement of the relevance of the literary accounts of Vestals, such as Tuccia, as a starting point for my own analysis. I examine such cases in detail in order to better understand the symbolic value of water in relation to the Vestals. As a consequence, my examination of water in mythic accounts of the Vestals is both more comprehensive and more in-depth than previously undertaken in the scholarship.

In contradistinction to the daily cleansing of the *aedes Vestae*, in which the water was sourced from a local *fons*,<sup>10</sup> the stories pertaining to individual Vestals and water generally involve rivers, often the Tiber. The twins Romulus and Remus, born to the proto-Roman Vestal Rhea Silvia, were saved through the intervention of a river.<sup>11</sup> In some accounts Rhea Silvia herself was later joined in union with a river (Tiber/Anio).<sup>12</sup> Tuccia quashed an accusation of *incestum* by carrying water from the Tiber in a sieve.<sup>13</sup> When Tarpeia saw Tatius, the king of the Sabines, she was described by Propertius as in the act of collecting water (in this case from a *fons*).<sup>14</sup> Claudia Quinta (frequently linked with the Vestals) confirmed her chastity by freeing the barge of the Magna Mater from the Tiber-bed.<sup>15</sup> The prevalence of rivers, and particularly of the Tiber, in these accounts of Vestals suggests a pattern with underlying symbolic meaning. An examination of the range of symbolism invested in rivers by the Romans is the first step to building a greater understanding of the Vestals' relationship with (river) water.

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<sup>9</sup> For the use of fire and water in nuptial and funeral rites: Festus 3L; Plut. *QR* 263e-f; Varro *Ling.* 5.61.

<sup>10</sup> Plut. *Num.* 13.1-4.

<sup>11</sup> Ov. *Fast.* 3.49-54; Plut. *Rom.* 3.4-5.

<sup>12</sup> Ov. *Am.* 3.6.45-82; Porphyrio on Hor. *Carm.* 1.2.17-18.

<sup>13</sup> Discussed below pp 66-71.

<sup>14</sup> Discussed below pp 81-9.

<sup>15</sup> Discussed below pp 71-80.

Studying the relationship between Vestals and water reveals the polyvalence of water as a symbol in the Roman understanding while allowing a greater insight into how the Romans constructed concepts such as virginity, chastity, and female sexuality. In particular, this chapter offers a new perspective on the various ways in which water fulfils vital purificatory functions in Vesta's cult and seeks to enhance understanding of the complexities of Vestal chastity when viewed in examples of Vestal myth and cases of Vestalization.<sup>16</sup>

### WATER AND RIVERS IN ROMAN THOUGHT

Before turning to a close analysis of the ritual and myths involving Vestals and water, a consideration of the symbolism that the Romans associated with rivers is needed. There is a variety of scholarship on water in the ancient world that has examined the symbolic parameters which interested the Romans. Eitrem explored how the symbolic qualities ascribed to water are often determined by the water's source or origin, and noted that the Greeks viewed rivers as sensitive to the purity of an individual crossing their waters, and that the purity of a river could be contaminated by acts committed in its waters.<sup>17</sup> Ninck viewed rivers as a manifestation of male power that was symbolically bound to fertility.<sup>18</sup> He further noted that women would often seek out rivers in the hope that the waters would cure sterility, prevent miscarriages, and, in the case of a successful pregnancy, ensure that the mother retained her demonstrable fertility.<sup>19</sup> More recently, Jones has examined water's symbolic functions through a focus on rivers, including: its role as the primordial element in cosmology, the ability of water to act as a metaphor for transformation, the capacity of water

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<sup>16</sup> LEACH (2007) 9, coined the term 'Vestalization' to describe the gradual transformation within the sources of Claudia Quinta's social identity from *matrona* to Vestal Virgin. See discussion of Claudia Quinta pp 71-80.

<sup>17</sup> EITREM (1915) esp. 84-7, 427 (origin/source), 85-6 (the Greek view, also note: Hes. *Op.* 736-9); on purity and contamination, note: Paus. 3.25.8; the attitude regarding contamination is also implicit in Herodotus 1.138.

<sup>18</sup> NINCK (1921) 25-7.

<sup>19</sup> NINCK (1921) 14.

to offer purification in ritual, and how the character of a river reflects the character of the people who rely on it.<sup>20</sup>

These studies reveal that rivers were invested with multitudinous symbolisms dependent on a variety of features including: the character of the water (colour, strength of flow, source), how the river was utilised by the community (the purificatory capacity of some rivers was considered to have been negated if certain acts took place in the water), and the gender imputed to rivers (usually male), which complemented their capacity to act as a procreative force when consulted by women. The attribution of gender to certain bodies of water is in keeping with the fact that the Romans often credited water with numinous characteristics, and divinity was often embodied in the Roman conceptualisation – from Father Tiberinus to nymphs and other *genii locorum*, and demi-divinities.<sup>21</sup>

Ovid's portrayal of rivers in the *Metamorphoses* supports the observation that rivers were usually male, and attributes to them a markedly sexual nature. These rivers often assume the form of a human male made of water, and show a particular interest in virginal women.<sup>22</sup> The sexual desire of rivers is likely related to the fact that rivers allow agriculture to flourish and provide the fresh water necessary for human survival.<sup>23</sup> Certainly, the fertility facilitated by rivers predisposes them to be interpreted as expressions of potential fecundity. This fecund potential of rivers is visually expressed by their depiction with horns in Greek and Roman

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<sup>20</sup> JONES (2005) 4-6 (cosmology), 7-10 (transformation), 19-26 (purification), 37-47 (character of people).

<sup>21</sup> Divinity was attributed to bodies of water in both Greek and Roman thought. For instance, the divinity of water can be discerned in Xerxes' troubled relationship with the Hellespont (Hdt. 7.34-5). After ordering the Hellespont to be whipped for the loss of his bridge in a storm, Xerxes' later offerings, made to ensure that he subdued Europe without impediment (Hdt. 7.54), were not enough to assuage the divine displeasure that he had incurred. Also note the divinity assigned to rivers in Hom. *Il.* 20.1-9. Roman river-gods include: Acis (Ov. *Met.* 13.885-97), Clitumnus (Plin. *Ep.* 8.8), and Tiberinus (Verg. *Aen.* 8.31-67, 9.124-5).

<sup>22</sup> Ov. *Met.* 5.572-641 (Alpheus and Arethusa); 8.583-92 (Achelous and Perimele). Some rivers of the Underworld, such as Styx are classified as female (Hes. *Theog.* 360-1) and Lethe (Hes. *Theog.* 226). On the subject of the symbolic connotations of water in the *Metamorphoses*, also see: SEGAL (1969) 23-33.

<sup>23</sup> Cf. the god Priapus, who was a guardian of gardens and vegetation, and thus connected with fertility in a vegetal sense, and who was also known for his prodigious sexual appetites (see the Latin *Priapea* (PARKER) *passim*).

iconography.<sup>24</sup> The association of horns with fertility is confirmed in the tale of the river Achelous, who, during a tussle with Hercules for possession of Deianeira, lost one of his horns, which then became a cornucopia,<sup>25</sup> itself a symbol of abundance and the successful harvest. The symbolic connection between horns and fertility has been discussed by Goodenough, who notes that the myth of Achelous and Hercules attempts “to explain a symbol [the cornucopia] which had long been established, a symbol of fertility, fruitfulness, and prosperity”.<sup>26</sup> Goodenough also observes that horns were particularly associated with rivers as evidence of their “fertilising power”.<sup>27</sup> Onians explored the fertilising power of horns further, noting that horns tended to be a manifestation which developed at puberty, and were therefore aligned with the emergence of procreative power.<sup>28</sup> In light of the conjunction of horns with fertility and male power, as well as the relationship between horns and (male) rivers, it is reasonable to view rivers as a *locus* for male sexuality and fecundity.

The capacity of water to remove pollution is well attested in the ancient sources. The river Tiber was the most prominent water source in Rome. Its waters flowed through Rome on their way to the sea, making it an ideal candidate to act in a purificatory capacity, as it could carry pollution quickly away from the city. The ability of rivers to provide purification is consistent with a broader belief in the lustratory capacities associated with flowing water,<sup>29</sup> as already noted in the case of the daily purification of the *aedes Vestae*. The water used in the daily cleansing was sourced from a *fons* and the flowing character of the water likely contributed to its ability to purify. Although water had purificatory characteristics, the exact

<sup>24</sup> The river Achelous (Acheloos) appears personified in iconography with prominent horns: LIMC 1.2 (1981) ‘Acheloos’ pp 19-54. For the representation of Acheloos as a bull, see esp. fig 32-4. Tiber’s connection with horns in iconography is not as direct as that of Acheloos. Tiber was also personified, but he was not represented with pronounced horns on his head; however, there are statues depicting Tiber holding the *cornucopia* ‘horn of plenty’: LIMC 8.2 (1997) ‘Tiberis, Tiberinus’ figs. 15, 17 and 18.

<sup>25</sup> Apollod. 2.7.5; cf. Ov. *Met.* 8.852-864.

<sup>26</sup> GOODENOUGH (1953-68) 8.109.

<sup>27</sup> GOODENOUGH (1953-68) 8.110.

<sup>28</sup> ONIANS (1951) 236-46 provides a thorough study of the symbolic value of horns in Greek and Roman thought, including a discussion of their procreative powers on pp 238-9.

<sup>29</sup> The idea of running water having the ability to offer ritual purification has been noted for the ancient Greeks by ROHDE (1925) 588-9. On the purifying abilities of flowing water see: WISSOWA (1902) 179-80; JONES (2005) 19. For the ability of rivers to ‘wash away’ impurities, see: Cic. *Leg.* 2.24. For an extended examination of types of purification see: BÖMER (1958) 2.82-4. For a discussion of a similar phenomenon in ancient Greece: PARKER (1983) 226-7.

parameters of that capacity were continually negotiated by the Romans, as revealed by the punishment of parricides:

Noluerunt ... non sic nudos in flumen deicere, ne, cum delati essent in mare, ipsum polluerent, quo cetera, quae violata sunt, expiari putantur.<sup>30</sup>

[They] did not wish to throw [the parricide] thus naked into the river, lest, when they had been carried down to the sea, they might pollute that very thing, by which it is believed everything else is expiated that has been violated.

Cicero here discusses the motivation behind sewing a parricide alive into a sack before throwing him into a river. Water played a number of key roles in this scenario. First, the river is viewed as a conduit, carrying the parricide (and his pollution) away from the city. Cicero does not ascribe any purificatory capacity to the river, but rather to the sea, suggesting that salt water may have been viewed by the Romans as possessing a stronger ability to purify than freshwater rivers.<sup>31</sup> Even so, Cicero observes that the capacity of the sea to provide expiation was limited by the nature of the pollution carried by the agent, and warned of the possibility that contact between a parricide and salt water may result in the parricide contaminating the sea.<sup>32</sup> Cicero emphasised the severity of the crime by suggesting that parricides were beyond purification. So although water could enable purification, its ability to do so was not assured. In short, the degree of the individual's impurity was also relevant and some crimes were beyond purification.<sup>33</sup>

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<sup>30</sup> Cic. *Rosc. Am.* 70-1. On parricides generally: *Dig.* 48.9.1.

<sup>31</sup> The potency of salt-water as a purificatory agent has parallels in Greek thought, note: PARKER (1983) 226-7. The form taken by water was important – flowing water was superior to standing water, salt water was stronger than fresh water. The source of the water was also relevant. For instance, the water used in the daily cleansing of the *aedes Vestae* was sourced from a particular *fons* (Plut. *Num.* 13.2), and it is reasonable to suppose that this requirement was related to the qualities ascribed to the *fons*. Cf. the importance credited to Nile-water in the Cult of Isis and Sarapis: WILD (1981) 153-4; Serv. *Aen.* 2.116.

<sup>32</sup> The pollution of *parricidium* was so great that it was described as *ultimum nefas*: [Quint.] *Declamationes minores* 377. Also see n. 30 above.

<sup>33</sup> Looking ahead, such constraints on water's ability to purify speak positively for the Vestal Tuccia's innocence, proven by the Tiber, pp 66-71 below.



As noted in the opening of the chapter, water's ability to purify could act in concert with fire. For example, the Romans used both water and fire in funeral ceremonies to cleanse the corpse, and, by extension, the entire community;<sup>34</sup> water and fire were also denied to exiles, suggesting that Romans considered access to these elements as a privilege synonymous with the concept of home.<sup>35</sup> The symbolic value that the Romans invested water with when it was used in connection with fire was not always of a purificatory nature. Both water and fire were used together in wedding ceremonies; the significance of these elements in the nuptial context, however, was open to interpretation.<sup>36</sup> Water was a polyvalent element; its symbolic meaning was tied to the context in which it appeared and the subjective view of the observer. In addition to the broad concept of purification, water was linked (with fire) to creation, suggesting an underlying association with fertility that is unsurprising given the necessity of water for sustaining human life. It is perhaps due to the life-giving and life-sustaining qualities of water that rivers can be considered protective deities.

When Horatius Cocles found himself at one end of a bridge with an Etruscan invasion force on the other, he invoked the Tiber to protect him:

“‘Tiberine pater,’ inquit, ‘te sancte precor, haec arma et hunc militem propitio flumine accipias.’”<sup>37</sup>

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<sup>34</sup> Festus 3L.

<sup>35</sup> For Republican examples, note: App. *BC* 1.4.32; Cic. *Dom.* 47, 82; Livy 25.4, *Per.* 69.

<sup>36</sup> Varro *Ling.* 5.61 (fire = male; water = female), suggested that the reason that both elements were present at weddings was due to the symbolic union between different genders, and the necessity of both elements to procreation. Ov. *Fast.* 4.785-92, proposed that fire and water were essential to the transition of bride into wife, implying that when the elements were used together they could enable transformation. In the first century CE, Plut. *QR* 263e-f (fire = male; water = female), offered the possibilities suggested by Varro and Ovid as well as linking both elements to purification and noting their importance to survival. Festus 77L, allowed that the role of water in marriage ceremonies may have been related to the purification of the bride, or that the use of torches and the sprinkling of water may have been redolent of the union of two different people; an interpretation likely based on the belief that fire and water were gendered in Roman thought. Details of how fire and water were used at Roman weddings are discussed by TREGGIARI (1991) 168; HERSCH (2010) 182-6.

<sup>37</sup> Livy 2.10.11.

“‘Father Tiber,’ he said, ‘I solemnly pray to you to accept these arms and this soldier with favour into the stream.’”

As a result of this invocation, Horatius was believed to have survived the bridge’s collapse, while the Etruscans perished.<sup>38</sup> The protective force of the Tiber is implicit in the outcome. This is particularly pertinent since rivers were intimately connected with the territory through which they flowed.<sup>39</sup>

The association between rivers and protection is complicated by examples from where the sexual desire of a river leads to unions with virgins. Greek tradition challenges the trope of ‘river as protective force’ when we consider the relationship between virgins and rivers. [Pseudo]-Aeschines claimed that the women of the Troad were known to offer their virginity to the river Scamander:

Νενόμισται δὲ ἐν τῇ Τρωάδι γῇ τὰς γαμουμένας παρθένους ἐπὶ τὸν Σκάμανδρον ἔρχεσθαι, καὶ λουσαμένας ἀπ’ αὐτοῦ τὸ ἔπος τοῦτο ὥσπερ ἱερόν τι ἐπιλέγειν, «λαβέ μου, Σκάμανδρε, τὴν παρθενίαν».<sup>40</sup>

It is customary in the region of the Troad that girls who are about to get married go to the [river] Scamander and, having washed themselves from it, that they utter the following saying, as (being) in some way sacred: “Take from me, Scamander, my virginity!”

The scenario is unusual because the virgins of the Troad implore Scamander to take from them what would be usually lost during the consummation of marriage (virginity). Such a

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<sup>38</sup> The river-god as protective divinity stands in binary opposition to instances where rivers are utilised for their destructive power, for example: Hom. *Il.* 12.17-26.

<sup>39</sup> For example see the description of the river in: Verg. *Aen.* 7.25-36.

<sup>40</sup> [Pseudo]-Aeschines *Ep.* 10.3. MARTIN, DE BUDÉ (1928) 2.133 n.1, considered the *Letters* of Aeschines pseudonymous.

situation departs from the view predominant elsewhere in the Mediterranean that a bride would be a virgin on her wedding night,<sup>41</sup> and from the modern assessment that the desirability of virgins in ancient societies was tied to the security of patrilineal descent.<sup>42</sup> When the virgins implore Scamander to ‘take’ their virginity, this gesture can be understood as a means of placating the libido of the river, removing the sense of danger inherent in a river that might be consumed with lust for a virgin at any moment and then wreak havoc in pursuit of its desires.<sup>43</sup> The danger of the river potentially breaking its banks is subverted by the virgins imploring Scamander close to his banks (*παρθένοὺς ἐπὶ τὸν Σκάμανδρον ἔρχεσθαι*), thereby protecting the wider region from the destructive capacity of water flowing out of control.<sup>44</sup>

Scamander’s role, as represented in [Pseudo]-Aeschines, suggests some similarities with the idea of rivers as ‘sexual predators’.<sup>45</sup> Alpheus’ and Achelous’ pursuit of the virgins Arethusa

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<sup>41</sup> The young age of women in Roman aristocratic betrothals (between 11 and 12) appears to be a mechanism of ensuring the sexual purity of the bride. HOPKINS (1965) 313, notes that “the legal minimum age of marriage for girls was 12”, but qualifies this statement with anecdotal evidence that suggests that these legal minimums were not necessarily the cultural ideal, offering moral and medical literature in support of delaying marriage until after menarche, see pp 314-6. A similar conclusion is reached by TREGGIARI (1991) 40-1. Further work on the age of Roman women at the time of their marriage by SHAW (1987) 30-46, has argued convincingly that the mean age was likely to have been much higher (i.e. late teens) than the legal minimum. On the issue of sexual purity prior to marriage cf. SISSA (1990a) 347: “Though it lies within the realm of possibility, the sexual life of an unmarried woman is rigorously forbidden; its necessary conditions are dissimulation and secrecy. If a *parthenos* carries on a pre-marital affair without losing the title, it can only be because the affair is unknown and hence nonexistent – once it is out in the open, it crushes its victim”.

<sup>42</sup> A concern for patrilineal descent lies behind the attitude expressed at Juv. 6.71-81. The protection of patrilineal descent can be observed in the social constraints on Athenian women, discussed by OGDEN (1996) 136-7.

<sup>43</sup> That a river’s sexual desire represented danger is evidenced in the case of the river Alpheus and the nymph Arethusa. Alpheus pursued Arethusa beyond his banks (Ov. *Met.* 5.609-11), assumed the form of a man (5.614-7), and then returned to his watery form in order to mingle with the stream into which Arethusa metamorphosed (5.636-8). Alpheus’ resumption of his watery form some distance from his banks can be interpreted as revealing that his pursuit of Arethusa caused a flood.

<sup>44</sup> Cf. the flooding of the Tiber described by Hor. *Carm.* 1.2.13-6. The circumstances surrounding this flood emphasises the Roman belief that rivers could actively choose to flood. A similar belief is also apparent in Greek literature, for example: the flood of Scamander, which sought to prevent Achilles from murdering the Trojans (Hom. *Il.* 21.200-83). It is reasonable to assume that the sacrifice offered by the Troad virgins attempted to appease Scamander’s divinity, and that one sign of that the river had been appeased was the absence of floods.

<sup>45</sup> The controversial case concerning Callirrhoë forms the climax of the narrative in the [Pseudo]-Aeschinean *Letter* 10. The sequence of events that follows the virgins’ invocation to Scamander suggests that the ritual was intended to be a symbolic gesture on the part of the virgins, and one that sought to appease the river. This reading is supported by the negative reactions of Callirrhoë’s nurse within the narrative ([Pseudo]-Aeschines *Ep.* 10.6) and also the negative appraisal of the letter writer ([Pseudo]-Aeschines *Ep.* 10.10). Callirrhoë participated

and Perimele respectively, as detailed in Ovid's *Metamorphoses*, are both instances where the river, either in its natural form or assumed human form, chases an unwilling object of his lust.<sup>46</sup> These examples demonstrate the rivers' clear sexual desire for virgins in both the Greek and Roman traditions. This fact renders the Vestal Virgins' relationship with the Tiber all the more intriguing and will have implications for our understanding of the interaction of Vestals with rivers.

In addition to the relationship already established between rivers and virgins is the ability of rivers to determine the standing of a woman's chastity. In Achilles Tatius' novel *Leucippe and Cleitophon*,<sup>47</sup> Rhodopis (the Styx) was said to possess the capacity to determine a woman's chastity.<sup>48</sup> According to Achilles Tatius, Rhodopis was transformed into a spring (later known as the Styx) after failing to keep her vow of virginity to Artemis, as a result of the (irresistible) intervention of Aphrodite.<sup>49</sup> The events that precipitated Rhodopis' transformation appear to have endowed her with the capacity, as the Styx, to determine the truth of a woman's oath regarding her chastity.<sup>50</sup> In the course of the novel, a double ordeal results in the confirmation of Leucippe's virginity, as well as Melite's fidelity to her husband in his absence. Sissa has noted that the ability of the Styx was "not strictly one of sexual integrity ... but of truth-telling";<sup>51</sup> however, the capacity of the Styx to recognise a false oath must have been predicated on the river's ability to understand the nature of a woman's chastity, and to compare this knowledge against the oath. So the river was necessarily aware of all the details of a woman's sexual history from whether she was still a virgin to whether

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in the ritual of offering her virginity to Scamander. It was later revealed that she had parted with her virginity by engaging in sexual intercourse with Cimon, a man who had accosted her in the guise of the river. ([Pseudo]-Aeschines *Ep.* 10.4-6. This is not the only case of a river being implicated in mistaken identity, consider Tyro's pursuit of the river Enipeus which resulted in her being seduced by Poseidon, who assumed the guise of Enipeus (Apollod. 1.9.8)). The dismay of the nurse, which was provoked by the knowledge that Callirrhoe had actually lost her virginity to a man, heightens the likelihood that the community understood the rite as a symbolic act that did not necessarily result in sexual intercourse. Nevertheless, the danger of losing one's virginity was real (even if only in the form of opportunistic males).

<sup>46</sup> Ov. *Met.* 5.572-641 (Alpheus and Arethusa), 8.583-92 (Achelous and Perimele).

<sup>47</sup> Although the exact date is not known, the *OCD* places Achilles Tatius' work from 150 CE onwards.

<sup>48</sup> Achilles Tatius *Leucippe and Cleitophon* 8.11-14.

<sup>49</sup> Achilles Tatius *Leucippe and Cleitophon* 8.12.

<sup>50</sup> The ability of water sources to determine the validity of oaths is also discussed by Macrobius *Sat.* 5.19.15-22 in relation to the Palici of Sicily.

<sup>51</sup> Sissa (1990a) 345.

she was faithful to her husband. The ability of rivers to discern the relative purity of anyone who entered into their waters is particularly relevant to the study of the Vestals' relationship with water in myth.

It is clear from the evidence provided so far that water was imbued with a wide range of symbolism, from its purificatory capacity to its embodiment of complex sexual relations in Greek and Latin literature. The study of the Vestals and water below takes into account the variety of symbolism considered here. Some symbolism is more relevant to the study of ritual and some symbolism is more predominant in myth. Examining both aspects highlights the complexity of the Vestals' relationship to this element in a way that has not been explored before. The study of Vestals and water provides an account of the Roman conceptualisation of priestesses that runs parallel to the historical approach that is the focus of the rest of the thesis.

## **THE VESTALS' RITUAL ASSOCIATION WITH WATER**

### **THE DAILY CLEANSING OF THE *AEDES VESTAE***

The daily cleansing of the *aedes Vestae* was essential to the continued purity of the cult site. The fact that the ritual was conducted daily draws attention to the important role of purification in the cult. Plutarch provides the most detailed account of the ritual:

ἔτι δὲ χρῆναι Μούσαις καθιερώσαι τὸ χωρίον ἐκείνο καὶ τοὺς περὶ αὐτὸ λειμῶνας,  
ὅπου τὰ πολλὰ φοιτῶσαι συνδιατρίβουσιν αὐτῷ. τὴν δὲ πηγὴν ἣ κατάρδει τὸ

χωρίον, ὕδωρ ἱερὸν ἀποδείξαι ταῖς Ἑστιάσι παρθένοις, ὅπως λαμβάνουσαι καθ' ἡμέραν ἀγνίζωσι καὶ ῥαίνωσι τὸ ἀνάκτορον.<sup>52</sup>

[Numa said further that] the spot where it [the bronze shield] fell, and the adjacent meadows, where the Muses usually had converse with him, must be consecrated to them; and that the spring which watered the spot should be declared holy water for the use of the Vestal Virgins, who should daily sprinkle and purify their temple with it.<sup>53</sup>

Through the association of Egeria and the Muses as the advisers of Numa, Plutarch's description of the site implies that the *fons Camenae* was the water source.<sup>54</sup> Although other sites for this daily water collection have been proposed, such as the *fons Juturnae*,<sup>55</sup> it is always a *fons* and never the Tiber which is identified as the source.

Plutarch's explanation that the Vestals were to ῥαίνω 'sprinkle' and ἀγνίζω 'wash, cleanse' the temple with the water sourced from a local *fons*, invites the suggestion that there was a balance in the cult between the elements of fire and water.<sup>56</sup> The Vestals' perpetual vigil of the flame was supplemented with their daily cleansing of the *aedes*.

## THE *ARGEI*

The Tiber played an important role in certain rituals performed by the Vestals. An examination of these rituals will allow a balanced evaluation of the presence of the Tiber in mythic tales concerning the Vestals. There are two rites that must be considered in this

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<sup>52</sup> Plut. *Num.* 13.2-3.

<sup>53</sup> Translated by PERRIN (1914) 351.

<sup>54</sup> Plut. *Num.* 13.1-3. The syncretism between the Camenae and the Muses in the Roman literary tradition (Liv. Andron. *Ody.* 1.1), allows the *fons* described by Plutarch to be interpreted as the *fons Camenae*. The *fons Camenae* was close to the *porta Capena*, approximately one kilometre from the *aedes Vestae* (Juv. 3.10-16).

<sup>55</sup> WILDFANG (2006) 11.

<sup>56</sup> This assessment follows the symmetry noted by STAPLES (1998) 150.

respect: the rite of the *Argei*, performed in May, and the annual cleansing of the Vestal temple that took place in June. On the relationship between the Vestals and the Tiber in the rite of the *Argei*, Dionysius of Halicarnassus provides the most detail:

τοῦτο δὲ καὶ μέχρις ἐμοῦ ἔτι διετέλουν Ῥωμαῖοι δρῶντες μικρὸν ὕστερον ἐαρινῆς ἰσημερίας ἐν μηνὶ Μαΐῳ ταῖς καλουμέναις εἰδοῖς, διχομηνίδα βουλόμενοι ταύτην εἶναι τὴν ἡμέραν, ἐν ᾗ προθύσαντες ἱερὰ τὰ κατὰ τοὺς νόμους οἱ καλούμενοι Ποντίφικες, ἱερέων οἱ διαφανέστατοι, καὶ σὺν αὐτοῖς αἱ τὸ ἀθάνατον πῦρ διαφυλάττουσαι παρθένοι στρατηγοί τε καὶ τῶν ἄλλων πολιτῶν οὓς παρῆναι ταῖς ἱερουργίαις θέμις εἶδωλα μορφαῖς ἀνθρώπων εἰκασμένα, τριάκοντα τὸν ἀριθμὸν ἀπὸ τῆς ἱερᾶς γεφύρας βάλλουσιν εἰς τὸ ρεῦμα τοῦ Τεβέριους, Ἀργείους αὐτὰ καλοῦντες.<sup>57</sup>

The Romans still continued to do this even down to my own time, a little after the spring equinox in the month of May on what they call the Ides – considering this day to represent the mid-month; on this day, after offering preliminary sacrifices in accordance with the laws, the *pontifices*, as the most illustrious of the priests are called, and along with them the virgins who carefully guard the eternal fire, the army generals,<sup>58</sup> and of the other citizens, those whom protocol allows to be present at the rites,<sup>59</sup> throw from the sacred bridge into the stream of the Tiber images fashioned in the likeness of men, thirty in number, which they call *Argei*.

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<sup>57</sup> Dion. Hal. *Rom. Ant.* 1.38.3.

<sup>58</sup> *Praetors* or *consuls* is possible here (*LSJ*: στρατηγός).

<sup>59</sup> There is evidence to suggest that the *flaminica Dialis* was also involved in the *Argei* rite (Gell. *NA* 10.15.30; Plut. *QR* 285a-b; BOELS (1973) 95-6); however, Dionysius' explicit reference to the Vestals and the *pontifices* (*Rom. Ant.* 1.38.3) suggests that the weight of ritual burden fell upon these two priesthoods.

The nature of this ritual and what it sought to expiate remains contentious,<sup>60</sup> as does the date.<sup>61</sup> Even so, the inclusion of the Vestals suggests at the very least that the concerns of the *Argei* rite were related to the concerns of Vesta.

The Vestals and the *pontifices* were extremely close priestly orders. The Vestals were considered to be under the protection of the *pontifices* and fell under their disciplinary jurisdiction.<sup>62</sup> Although the Vestals were not the only priestly college under the jurisdiction of the *pontifices*, Dionysius particularly specified their presence in connection with the *Argei* rite.<sup>63</sup> This suggests that the rite held special significance for both the Vestals and the *pontifices*, a significance that it cannot have possessed for the other priestly colleges. The participation of the *pontifices* in the *Argei* rite was generally explained by ancient authors through the supposed etymological connection between ‘*pontifex*’ and ‘*pons*’;<sup>64</sup> even if this was a false etymology, the persistence of the interpretation in ancient sources provides grounds for pontifical involvement in the *Argei* rite on account of their presumed relationship with the sacred bridge (*pons sublicius*; *ἱερὸς γεφύρας*).<sup>65</sup> In contrast, the Vestals do not share any explicit connection (etymologically or otherwise) with the *Argei* or the *pons sublicius* which was central to the rite. In the absence of an explicit link between the *Argei* rite and the Vestals, however, I propose that the Vestals’ involvement in the *Argei* rite depended on the relationship they shared with the Tiber.<sup>66</sup>

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<sup>60</sup> Discussion over the function of the *Argei* rite can be found as early as Plut. *QR* 272b-c, *QR* 285a-b. Also see: WARDE FOWLER (1899) 112-21; WARDE FOWLER (1902) 115-9; FRAZER (1989) 425-9; CLERICI (1942) 89-100; BÖMER (1958) 2.327-30; LATTE (1960) 412-4; HARMON (1978) 1446-59.

<sup>61</sup> Cf. Ov. *Fast.* 5.621-2. While Dionysius clearly places this ritual on the Ides of May, Ovid, in the *Fasti*, appears to place it under the day before the Ides. For an argument for viewing Dionysius and Ovid in harmony on this point, see: HARMON (1978) 1448-9. For a theory regarding the role of the Vestals in this rite, see: HOLLAND (1961) 313-331.

<sup>62</sup> Gell. *NA* 1.12.9 (quoted in the Introduction pp 6-7).

<sup>63</sup> Dion. Hal. *Rom. Ant.* 1.38.3.

<sup>64</sup> Dion. Hal. *Rom. Ant.* 2.73.1; 3.45.1-2; Plut. *Num.* 9.1-4 (presents a range of etymologies for *pontifex* including a relationship with *pons*); Serv. *Aen.* 2.166; Varro *Ling* 5.83.

<sup>65</sup> On the association between the *pontifices* and bridges, and more particularly the translation of the title *pontifex* as ‘bridge-builder’: HALLET (1970) 219-27. Also on this topic see: HOLLAND (1961) 332-42; an extended treatment of both ancient and modern etymologies of *pontifex* can be found in VAN HAEPEREN (2002) 11-45.

<sup>66</sup> The role of water as a purificatory agent is pertinent here, as the Vestals’ offerings here is also suggestive of a connection with the annual cleansing of the *aedes Vestae*. There is also a certain amount of shared symbolism in the *Argei* rite and the story of Rhea Silvia and the twins. By this I mean that, during the *Argei* rite, the Vestals



## THE ANNUAL CLEANSING OF THE *AEDES VESTAE*

The second annual ritual that brought the Vestals into contact with the Tiber was the cleansing of the *aedes Vestae*, which occurred two days after the Ides of June. The ritual is best attested in Ovid's *Fasti*.<sup>67</sup>

haec est illa dies, qua tu purgamina Vestae, 713  
Thybri, per Etruscas in mare mittis aquas.<sup>68</sup>

This is the day on which you, Tiber, send the filth of Vesta to the sea by means of the Etruscan waters.

The annual cleansing followed a period of high traffic through the *aedes Vestae*. Both the *aedes* and the inner storeroom, the *penus Vestae*, were open to Roman women between the 7<sup>th</sup> and 15<sup>th</sup> of June,<sup>69</sup> which included the annual festival to Vesta: the Vestalia, which fell on the 9<sup>th</sup> of June. It is possible to read the annual cleansing of the *aedes* then as the symbolic removal of any trace of non-virginal women that may have lingered in Vesta's space after

placed human-like figures into the Tiber, while in the traditional story of Rome's foundation, the Vestal Rhea Silvia's children (the twins Romulus and Remus) were cast into a river (Dion. Hal. *Rom. Ant.* 1.78.5; Livy 1.4.3).

<sup>67</sup> For work discussing Ovid's reputation for providing both accurate information as well as setting the scene for inaccurate interpretations, and the care required when relying upon Ovid as a source, note: GREEN (2004a) 2; cf. HERBERT-BROWN (1994) 215-33.

<sup>68</sup> Ov. *Fast.* 6.711-4. The Tiber was not the only location proposed for the waste cleaned out of the *aedes Vestae* in the ancient sources, note: Varro *Ling.* 6.32: *Dies qui vocatur 'Quando stercum delatum fas,' ab eo appellatus, quod eo die ex Aede Vestae stercus everritur et per Capitolinum Clivum in locum deferitur certum.* “The day that is called ‘When the excrement has been carried out, the day is fit for public business’, named from the fact, that on that day the excrement is swept out from the *aedes* of Vesta and carried along the Capitoline Slope to a certain place”. Also see the fragmentary account of Festus 310L: <Q. S. D. F. *Quandoc ste>rcus delatum fas, eo<dem modo in fastis notatur di>es, qui talis est, ut <aedis Vestae purgetur, s>tercusque in alvum ca ... [lacuna] ... cum id factum sit ...*; and the more complete Festus 466L: **Stercus** ex aede Vestae XVII. Kal. Iul. deferitur in angiportum medium fere clivi Capitolini, qui locus clauditur porta stercoraria. Tanta sanctitatis maiores vestri esse iudicaverunt. “On the 15<sup>th</sup> of June the excrement from the *aedes* of Vesta is carried out into an alley roughly midway along the Capitoline slope, which place is closed by a *porta stercoraria*. Your ancestors judged this to be of such great sanctity”. The removal of waste to the Capitoline slope need not rule out the Tiber. On this point note the position of KEEGAN (2008) 93: “our sources do not permit us to fix a location for where the *stercus* went with any certainty”.

<sup>69</sup> On access to the *penus*: Festus 296L (Were *matronae* permitted to view the *sacra* stored in the *penus*? Did the *matrona* see the *palladium*?). On the significance of the open period of the *aedes Vestae* to the *matrona*: LITTLEWOOD (2006) 73.

this period of open access. It is well known that the Vestals' ritual purity could be compromised by sexual activity;<sup>70</sup> the annual cleansing of the *aedes* after a period of open access to sexually active women suggests that there was an inferred sense that the *aedes* itself was compromised by association with such women, especially since Vesta preferred virgin attendants.<sup>71</sup>

Ovid provides more detail on the annual cleansing of the *aedes Vestae* when describing the ritual restrictions placed on the *flaminica Dialis* in the days leading up to the rite:<sup>72</sup>

“donec ab Iliaca placidus purgamina Vesta	227
detulerit flavis in mare Thybris aquis,	
non mihi dentosa crinem depectere buxo,	
non unguis ferro subsecuisse licet,	230
non tetigisse virum, quamvis Iovis ille sacerdos,	
quamvis perpetua sit mihi lege datus.	
tu quoque ne propera. melius tua filia nubet,	
ignea cum pura Vesta nitebit humo.” <sup>73</sup>	234

“Until the filth (*purgamina*) from Ilian Vesta has been carried to the sea by gentle Tiber with his yellow waters, I am not permitted to comb out my hair with a boxwood comb, or pare my nails with iron, or to touch my husband, although he is a priest of Jupiter, and he was given lawfully to me in perpetuity. Don’t you hurry either; it will be better for your daughter to marry when Vesta’s fire shines on pure ground.”

<sup>70</sup> FEHRLE (1910) 25-9 discusses the pollution of sexual intercourse.

<sup>71</sup> Ov. *Fast.* 6.289-90: *quid mirum, virgo si virgine laeta ministra/ admittit castas ad sua sacra manus?*

<sup>72</sup> For a modern study of the *flaminica Dialis*, see: BOELS (1973) 77-100, esp. 96-8 in connection with Ov. *Fast.* 6.227-34. On the *flaminica Dialis* as the symbol of Roman marriage: LITTLEWOOD (2006) 71-2.

<sup>73</sup> Ov. *Fast.* 6.227-34.

In Ovid's account, the ritual cleansing of the *aedes Vestae* confirmed a connection between the Vestals and the Tiber. The key point is that the Tiber will ferry the *purgamina* from the Vestal temple out to sea, effectively carrying the offending impurities away from Vesta and Rome.<sup>74</sup> The annual cleansing of the *aedes Vestae* must be at least partially symbolic, certainly in terms of the quantity of ritual *purgamina* that might be expected. It is well established that the Vestals purified the *aedes* each day;<sup>75</sup> while it cannot be inferred from this that the *aedes* was thoroughly cleaned on a regular basis, it does suggest that the *purgamina* must have been a very specific type of pollution.<sup>76</sup> Regardless of the precise identification of what constituted *purgamina* – it is the act of *cleaning* the *aedes*, and the role of the Tiber in that cleaning, which is of foremost interest here.

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<sup>74</sup> The significance of the annual cleansing of the Vestal temple is marked out in both the pre-Julian and Julian calendars. The *fasti Antiates* carries the abbreviation Q ST D F: *quando stercus delatum fas*, *when the waste has been carried out, the day [is] fit for public business*, a lemma which is also provided by Ovid in the *Fasti* as a header to the 15<sup>th</sup> of June. On these points note the *Fasti Antiates* in DEGRASSI (1963) 13.2: 12, 471; Ov. *Fast.* 6.710a; Varro *Ling.* 6.4.32.

<sup>75</sup> Plut. *Num.* 13.1-2.

<sup>76</sup> Ovid's reference to *purgamina* provides a gloss on the otherwise consistent use of *stercus* in the *fasti* records (see. n 74 above). Although it is possible that Ovid's use of *purgamina* instead of *stercus* was simply a matter of poetic meter, it may also add to our understanding of the nature of waste matter involved in this rite. Cf. the use of *purgamina* elsewhere: [Verg.] *Moretum* 40 (the by-product of flour); Ov. *Met.* 11.409 (blood-guilt), *Fast.* 6.713 (as per *Fast.* 6.227, the use of *purgamina* here refers to the annual cleansing of the *aedes Vestae*). The use of *purgamen*, *-inis*, appears to have been restricted to the Late Republic and Augustan periods and is found most frequently in Ovid, with the only other reference found in the Appendix Vergiliana listed above. *Purgamina*, from *purgamen*, *-inis*, literally refers to those things which are cleaned away, and consequently foregrounds the idea of purification (cf. the appearance of *pura* at Ov. *Fast.* 6.234), in a way that *stercus* does not, since *stercus* appears to have referred specifically to human or animal excrement.

What exactly the *purgamina* were is open to scholarly discussion. GUIZZI (1968) 118-20 proposed viewing the *stercus* as relating to animal waste, however, scholarly consternation has been expressed as to the use of *stercus* in this context: note the discussion by WRIGHT (Diss. University of Washington, 1995) 24-6; however, cf. MUTH (1954) 70-2, 129-43, on the use of faeces in magic and medicine which suggests that excrement was imbued with a symbolic potency. The etymology of *stercus* as excrement is noted in late sources such as Augustine *Civ.* 18.15, and Isidore *Orig.* 17.2.3. If this was the case, the *stercus* was presumably of a symbolic quantity, as anything more, such as a year's worth of accumulated excrement, would have undoubtedly provoked health issues. KEEGAN (2008) 96, has proposed that the use of *stercus* here is a reference to the broader definition of the term as the "by-product of preparations associated with ... ritual" rather than the more literal meaning of "human or animal waste". Keegan's interpretation is supported by the use of *stercus* in Vitruvius *de architectura* 7.9.1, as a general reference to the impurities, and also note Cato *de agricultura* 5.8 where *stercus* refers to foreign matter on *stercilinum* (manure); nevertheless, *stercus* is most often used to describe excrement; examples of this use include, but are not limited to: Cato *de agricultura* 2.3, 7.3 (et cetera); Cic. *Or.* 3.164, *Div.* 57; Varro *Ling.* 5.139. Also note ERNOUT, MEILLET (1967) s.v. **purgo**: *purgamen* as equivalent to *κάθαρμα* in Ovid.

The annual cleansing highlights the ritual interaction between the Vestals and the Tiber.<sup>77</sup> According to the *flaminica Dialis* in Ovid's work, the purification of the *aedes Vestae* was predicated on the *purgamina* finding its way into the Tiber, where it could then be carried away from Rome. By implication, the removal of the *purgamina* from the *aedes* was not sufficient for purification; the Tiber played an essential role, creating distance between the *aedes* and its *purgamina*. That the flowing water of the Tiber was considered ideal for such a task presupposes that the *purgamina* themselves either floated on water or were placed into the river in a device that would follow the current.<sup>78</sup> During this rite, the Tiber functioned both as a liminal space,<sup>79</sup> providing a means of neutralising the pollution of the *purgamina* by carrying it away from Rome towards the sea, and also as a purificatory agent, given the flowing character of the water. These two features suggest that the Tiber was intimately connected with the purification of the *aedes Vestae*.

In the passage quoted above, Ovid makes an explicit connection between the cleansing of Vesta's *aedes* and the sexual abstinence of the *flaminica Dialis*.<sup>80</sup> The injunction against marriage in the first half of June combined with the sexual abstinence of the *flaminica Dialis* draws attention to the ancient Mediterranean belief that sexual activity, even within marriage, was believed to be ritually polluting in certain contexts.<sup>81</sup> A number of cultic practices including the Greek Thesmophoria, the Egyptian cult of Isis, and the cult of Vesta at Rome,

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<sup>77</sup> Although Varro *Ling.* 6.32 and Festus 466L did not consider the Tiber the destination of the *purgamina*, there is no reason why the waste could not be delivered to different places. On the point also note KEEGAN (2008) 92-3. Although it is not explicit in the evidence that the Vestals themselves removed the *purgamina* from the *aedes Vestae*, the case for the Vestals active involvement in this ritual is strengthened by the fact that carrying the *purgamina* required access to the *aedes Vestae* which was restricted, even in the context of the Vestalia.

<sup>78</sup> The idea that the *purgamina* was carried in some way by the Tiber away from Rome is comparable with the use of the Tiber in cases of *parricidium*: Cic. *Rosc. Am.* 70-1.

<sup>79</sup> The liminality of rivers, in so much as rivers mark the boundary between two lands, has been discussed by JONES (2005) 9-10. The ability of liminal spaces in general to offer purification of certain pollutions has been examined in regard to crossroads; note esp. JOHNSTON (1991) 217-24.

<sup>80</sup> Ov. *Fast.* 6.219-34.

<sup>81</sup> Such an attitude is confirmed by the language associated with sexual activities. Suet. *Aug.* 94.4 considers Atia's purification after a stay at the temple of Apollo as akin to that performed after sexual union with her husband. That sexual activity could be contaminating and incur divine punishment is confirmed by Ov. *Met.* 4.787-803; also note: Juv. 6.535-6. For a discussion of sexual abstinence in relation to ritual purity in a Greek context, including virgin priestesses, see: PARKER (1983) 86-94. For an overview of sources that discuss the pollution associated with sexual intercourse, see: FEHRLE (1910) 25-9.

connect ritual purity with abstinence.<sup>82</sup> The Vestals were an extreme case. The formal requirement of perpetual virginity excluded the Vestals from marriage and was also an expression of continuous sexual abstinence. These facts may help explain why the *flaminica Dialis* also abstained from sexual intercourse during the first half of June.

The temporary abstention from sex observed by the *flaminica Dialis*, who was otherwise permitted to engage in sexual activity with her husband the *flamen Dialis*, suggests that one of the values of the ritual cleansing of the *aedes* was related to marriage. In Ovid's account, the *flaminica Dialis* drew attention to the fact that the month of June prior to the Ides was not believed to be a suitable time for marriages, drawing together the unclean state of Vesta's *aedes*, the restrictions upon sexual relations permitted between the *flaminica* and her husband, which would violate ritual purity if performed before the cleansing of the *aedes*, and the time considered auspicious for women to marry (which would lead to sexual intercourse).<sup>83</sup> In other words, the ritual abstention of the *flaminica* from sex suggested that the *relative cleanliness* of Vesta's *aedes* was somehow intertwined with the state of marriage and represented Roman concerns regarding sexual intercourse within marriage. As unmarried, adult, virgins, the Vestals were unable to embody the injunction on marriage because they embodied a moment of perpetual liminality; consequently, the abstention of the *flaminica Dialis* was integral in conveying the full import of the annual cleansing of the *aedes Vestae* because hers was a transitional state, constituting an interruption in her normal sexual activity. Littlewood has noted that the ritual chastity of the *flaminica Dialis*

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<sup>82</sup> In each example, the requisite ritual purity was acquired by differing periods of sexual abstention. A three day ban on sexual activity was considered reasonable for attaining ritual purity at the Thesmophoria. For a discussion of sexual abstinence related to the Thesmophoria, see: VERSNEL (1992) 35, 39-40; and VERSNEL (1990-3) 2.235-6, 245-8. The Thesmophoria involves paradox between the reason for the festival (ostensibly fertility) and the sexual abstinence of the participants, note VERSNEL (1990-3) 2.248: "overtly sexual symbols [models of snakes and male *membra*] are manipulated by a group of women who have strict instructions to preserve a state of purity" (cf. the strict practice of virginity in the cult of Vesta and the Vestal's protection of the hearth flame from which *phalloi* can emerge (Plut. *Rom.* 2.3-4) and their protection of the *fascinum*, a model of a phallus (Plin. *HN* 28.39), as part of the *sacra*). By comparison, ten days was the requirement of Isis' devotees: Prop. 2.28.61-2, 2.33a.1-4, and Ov. *Am.* 1.8.73-4, allude to the general practice of women sexually abstaining for Isis; also note: Plut. *De. Is. et Os.* 351f-352a; also see WITT (1971) 143-4.

<sup>83</sup> Ov. *Fast.* 6.227-34 (quoted above). The loss of virginity associated with marriage is foregrounded in the tradition of the bridegroom giving a gift to the bride as a 'compensation' for the wedding night (Juv. 6.203-5)

exemplified the injunction against marriage during this period; however, the connection can be taken further.<sup>84</sup> The lead-up to the ritual clearing out of the *purgamina* placed a prohibition on marriage, suggesting that the Romans perceived a correlation between entering into marriage and the (physical and symbolic) purity of the *aedes*. The abstinence of the *flaminica Dialis* reinforced the idea that the ritual cleansing of the *aedes Vestae* was bound to sexual relations within all Roman marriages. In short, the *state of cleanliness* in Vesta's *aedes* symbolically reflected the Romans' understanding of when it was an appropriate time to enter into marriage. The connection between the cleansing of the *aedes Vestae*, the sexual abstinence of the *flaminica Dialis*, and the appropriate time for Roman marriages, reveals a complex nexus of meaning. The success of the Vestals' ritual cleansing of the *aedes* marked a time that was seen as more auspicious for Roman women to enter into marriage, which in turn highlighted the importance of the Vestals' interaction with the Tiber, since the river was the vehicle for carrying the *purgamina* away from the city. The activities of the *flaminica Dialis* were also constrained during the period prior to the cleansing of the *aedes*, which further emphasises the significance of the relationship that the Vestals shared with the Tiber.

The advice of the *flaminica*: *melius tua filia nubit, ignea cum pura Vesta nitebit humo* "it will be better for your daughter to marry when Vesta's fire shines on pure ground",<sup>85</sup> implies that marriage made prior to the cleansing of the *aedes* (i.e. during the first half of June) carried an association with impurity that could be easily avoided by waiting to wed until the second half of June. The nature of those risks can be inferred from the shared symbolism inherent in marriage and the cleansing rite. Symbolically, marriage was the threshold between (assumed) virginity and (presumed) fecundity, while the cleansing of the *aedes* symbolically returned the space within which Vesta was worshipped to its original (virginal) condition, after a period of open access to Roman women besides the Vestals. A connection between the clean (virgin) *aedes* and virgin brides is not incompatible with the Vestals, since the priestesses

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<sup>84</sup> LITTLEWOOD (2006) 74.

<sup>85</sup> Ov. *Fast.* 6.233-4. The *flaminica*'s advice was specifically addressed to Roman men in regard to their daughters (*filia*), suggesting that the onus was on both the father and the woman about to enter to marriage to ensure the purity of the bride.

evoked a visual affinity with brides through the shared *sex crines* hairstyle.<sup>86</sup> The relationship between the cleanliness of the *aedes* and the acceptability of marriage reinforces the idea that Vesta's hearth stood in for the state of the domestic hearth which a new bride would tend to in her husband's house. These ideals highlight the Vestals' symbolic existence at the threshold of marriage (by virtue of their being virgins and of marriageable age), although in a situation where their fertility was perpetually consigned to the realm of potentiality, since they were not permitted to become wives during their tenure as priestesses.

### CONCLUSIONS CONCERNING THE RITUAL USE OF WATER IN THE CULT OF VESTA

The daily cleansing of the *aedes Vestae* reveals that water played an essential purificatory role in Vesta's cult. The rite of the *Argei* and the annual cleansing of the *aedes Vestae* illustrate that the Tiber was a key adjunct to the performance of certain rituals by the Vestals. The Vestals' participation in the rite of the *Argei* drew attention to their relationship with the Tiber, as they were involved in offering the *Argei* figures to the river. In the annual cleansing of the *aedes Vestae*, the Tiber carried the *purgamina* away from Rome, reasserting the purity of the *aedes*, and reinstating the auspiciousness of marriage. In these ritual contexts, it is clear that the role of water was to purify.<sup>87</sup> The purificatory function of water stands both when the water was sourced from a *fons*, as with the daily cleansing of the *aedes*, or when the Tiber was utilised for its ability to carry the *Argei* figures and *purgamina* away from the city.

While there was an undoubted connection between Vestals and water in ritual, literary representations emphasise this link from a different perspective. The purificatory qualities of water are no longer at the forefront; there is a shift in emphasis towards the role that water plays in the standing of a Vestal's chastity. In literary representations, the relationship

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<sup>86</sup> Festus 454L. For a discussion of the *sex crines* hairstyle and its relationship with Roman brides: LA FOLLETTE (1994) 56-9; OLSON (2008a) 22-5, esp. 23: "both [the Vestals and Roman brides] were virginal, yet associated with the hearth and fertility".

<sup>87</sup> Thus WILDFANG (2006) 11.

between the Vestals and the Tiber appear as early as Ennius' *Annals*,<sup>88</sup> and was elaborated upon by the authors of the Late Republic and the Augustan Principate. Horace and Ovid, for instance, both provide rich, alluring accounts of Ilia and the river, Anio/Tiber.<sup>89</sup> In the second half of this chapter I explore the relationship between Vestals and water (particularly rivers) in order to demonstrate how the role of water in Vestal myth builds upon and differs from the role of water in Vestal ritual.

In the examination of Vestals and water in myth, I focus the study through the literary sources of the Late Republic and the Augustan periods as a way of revealing how the Vestals were conceptualised during this transitional period in Roman history. By doing so, the study of Vestals and water in myth provides a parallel narrative to the historical focus of the chapters that follow.

## THE VESTALS AND WATER IN MYTH

### TUCCIA

One of the important roles of rivers was to assess the standing of a woman's chastity. As such, rivers provided a means of communicating the state of a Vestal's chastity to the general population. Possibly the best example of this involves the myth of the Vestal Tuccia, which reveals the bipolarity in the character and behaviour of rivers when it comes to matters sexual and virginal.

Dionysius of Halicarnassus preserves the fullest account of the Tuccia story. The tale of Tuccia is rendered mythic not only by the fabulous nature of the narrative itself, but also by

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<sup>88</sup> Enn. *Ann.* 1.26, 34-50 (SKUTSCH).

<sup>89</sup> Hor. *Carm.* 1.2.13-20, and Ov. *Am.* 3.6.45-82, *Fast.* 3.49-54.



the introduction, where Dionysius used the term *θαυμασιώτερον*, suggesting that the account would be ‘wondrous, marvellous’, an idea reinforced *μύθῳ μᾶλλον ἔοικὸς*:

[1] Ἔτι δὲ τούτου θαυμασιώτερόν ἐστι καὶ μύθῳ μᾶλλον ἔοικὸς ὃ μέλλω λέγειν. κατηγορήσαί τινά φασιν ἀδίκως μιᾶς τῶν παρθένων τῶν ἱερῶν Τυκκίας ὄνομα, ἀφανισμόν μὲν πυρὸς οὐκ ἔχοντα προφέρειν, ἄλλας δὲ τινὰς ἐξ εἰκότων τεκμηρίων καὶ μαρτυριῶν ἀποδείξεις φέροντα οὐκ ἀληθεῖς· κελευσθεῖσαν δ’ ἀπολογεῖσθαι τὴν παρθένον τοῦτο μόνον εἰπεῖν, ὅτι τοῖς ἔργοις ἀπολύσεται τὰς διαβολάς· [2] ταῦτα δ’ εἰποῦσαν καὶ τὴν θεὸν ἐπικαλεσαμένην ἡγεμόνα τῆς ὁδοῦ γενέσθαι προάγειν ἐπὶ τὸν Τέβεριν ἐπιτρεψάντων μὲν αὐτῇ τῶν ἱεροφαντῶν, τοῦ δὲ κατὰ τὴν πόλιν ὄχλου συμπροπέμποντος· γενομένην δὲ τοῦ ποταμοῦ πλησίον τὸ παροιμιαζόμενον ἐν τοῖς πρώτοις τῶν ἀδυνάτων τόλμημα ὑπομεῖναι, ἀρυσάμενην ἐκ τοῦ ποταμοῦ [καινῶ] κοσκίνῳ καὶ μέχρι τῆς ἀγορᾶς ἐνέγκασαν παρὰ τοὺς πόδας τῶν ἱεροφαντῶν ἐξερᾶσαι τὸ ὕδωρ. [3] καὶ μετὰ ταῦτά φασι τὸν κατήγορον αὐτῆς πολλῆς ζητήσεως γενομένης μήτε ζῶντα εὗρεθῆναι μήτε νεκρόν.<sup>90</sup>

Yet what I am about to recount is still more wonderful and seems more like a myth. They say that someone unjustly accused one of the virgin priestesses, by the name of Tuccia; although he was unable to cite the extinction of the fire in support [of this claim], he produced other false arguments based on plausible proofs and testimony. The virgin having been ordered to defend herself, said only this, that she would acquit herself from the false accusations through her actions. Having said this, and having appealed to the goddess to be her guide, she led the way to the Tiber, having been permitted by the *pontifices* and escorted by the populace of the city; and when she came to the river, she executed a bold undertaking which was proverbially among the

<sup>90</sup> Dion. Hal. *Rom. Ant.* 2.69.1-3.

highest of impossibilities: she drew water out of the river in a [new] sieve and carrying it as far as the *forum* she poured it out before the feet of the *pontifices*. And after this they say that, although careful search was made, her accuser was not found either alive or dead.

The statement that Tuccia's accuser was "unable to point to the extinction of the fire as evidence" suggests that she was accused of *incestum*.<sup>91</sup> Other sources for Tuccia are more explicit and confirm that this was the charge.<sup>92</sup> The impossibility of what Tuccia achieved is signposted within the narrative of events in addition to the introductory language quoted above. According to Dionysius, Tuccia carried the sieve from the Tiber to the Roman Forum. Following the shortest topographical route, the distance from the Tiber to the Roman Forum was over half a kilometre.<sup>93</sup> Although Dionysius does not emphasise the distance, the knowledge of how far Tuccia carried the sieve would have been easy for any Roman to extrapolate.

By carrying the water in the sieve so far, Tuccia ensured that there was ample evidence to confirm that a highly paranormal feat (*τὸ παροιμιαζόμενον ἐν τοῖς πρώτοις τῶν ἀδυνάτων τόλμημα*) had occurred, emphasising the divine power of Vesta and Tiber. Dionysius'

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<sup>91</sup> The extinction of the eternal flame in the *aedes Vestae* was often seen as proof that an *οὐχ ὅσιον* "profane, unholy" act had occurred amongst the Vestals, for example: Dion. Hal. *Rom. Ant.* 2.67.5 (however cf. Livy 28.11 where the extinction of the flame was not treated as a sign that any profanity had occurred, but rather as a consequence of human carelessness, and resulted in a Vestal being flogged).

<sup>92</sup> Val. Max. 8.1.absol.5; Plin. *HN* 28.12; Livy *Per.* 20.4-5. The miraculous accounts of Valerius Maximus, Dionysius (quoted above), and Pliny may be contrasted with Livy *Per.* 20.4-5: *Tuccia, virgo Vestalis, incesti damnata est*. "Tuccia, Vestal Virgin, was convicted of *incestum*". At first glance, the discrepancy between Livy's account where Tuccia is found guilty of *incestum* and the others already noted where she is acquitted can be construed as an error. However, there are grounds for interpreting the disparate accounts as referring to different cases each involving a Vestal named Tuccia. Although the dating of the Tuccia accounts in Dionysius and Valerius Maximus remains unknown (cf. SHACKLETON BAILEY (2000) 2.193 n. 9), the Livian *Periocha* disagrees with Pliny over the date of the accusation against Tuccia. Livy *Per.* 20.4-5 dated the condemnation of Tuccia to c. 237 BCE, while Plin. *HN* 28.12 postulated a date of 145 BCE. By far the easiest solution is to view these two examples as relating to different Tuccias (note the caution here of SYME (1959) 29, who argued that Livy's epitomator was not concerned with preserving chronology). More specifically, Livy's account of Tuccia followed the revolt of the Sardinians and Corsicans providing a *terminus post quem* of 237 BCE. The suggestion that there were two different Tuccias is not unreasonable. In Rome females were usually known by a feminine form of the gentile name (*nomen*) ensuring that there was less formal distinction made between females than between males, and which led to a greater repetition of female names.

<sup>93</sup> COARELLI (2007) map 1.

narrative also conveys a sense of civic importance as the ‘populace of the city’ escorted Tuccia to the Tiber, which reinforces the belief that a Vestal’s virginity was the concern of every citizen and, moreover, that the trial of a Vestal concerning the loss of her virginity was of such import that it had the capacity to divert the normal business of Rome. I propose that the numinous role of the Tiber is pertinent for understanding the miracle that allowed Tuccia to prove her innocence in the face of an *incestum* accusation, and that the Tiber was instrumental in contributing to the proof of Tuccia’s innocence, thereby confirming her chastity. The significance of the Tiber in the confirmation of Tuccia’s innocence should not be downplayed, especially since the account of the *matrona* Claudia Quinta proving her chastity in the presence of the Tiber later invited her comparison, and even identification, with the Vestal order.<sup>94</sup>

In support of the significance of the Tiber to the Tuccia myth, it is important to keep in mind that the Tiber was not by any means Rome’s only water source. Naturally occurring springs could be found throughout the seven hills, and the Tiber was neither the closest water-source to the *aedes Vestae*, nor the one that the Vestals were most familiar with when their ritual duties are taken into consideration.<sup>95</sup> The water used in the *daily* cleansing of the *aedes Vestae* was sourced from a *fons*.<sup>96</sup> In contrast, the Vestals were only required to ritually interact with the Tiber twice a year, during the rite of the *Argei* and the annual cleansing of the *aedes* in June. In both these rituals, the Tiber was used to carry offerings (pollution) away from Rome, so Tuccia’s use of the Tiber-water here also ran counter to the normal use of the river within the cult. The sharp distinction between the Vestals’ limited ritual interaction with the Tiber and the prominent role that the Tiber plays in Vestal myth suggests that the Vestals’ relationship with rivers in myth, and the Tiber in particular, transcends their ritual requirements. Furthermore, returning to the issue of distance, ancient topography suggests that the source of the Vestals’ daily collection of water to cleanse the *aedes Vestae* was based

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<sup>94</sup> Claudia Quinta and her Vestalization will be discussed later in this chapter, pp 71-80.

<sup>95</sup> The Vestals’ ritual duties involving water are discussed above pp 55-66.

<sup>96</sup> Plut. *Num.* 13.1-2.

not on the convenience of the *fons* to the *aedes*, but rather on the numinous characteristics the water-source added to the ritual.<sup>97</sup> The important point then when considering Tuccia's use of water to prove her innocence is that from the range of water-sources which she would have been familiar with as a Vestal, she chose the Tiber. The numinous characteristics associated with the river are crucial to understanding this choice.

In seeking to prove her innocence, Tuccia called upon Vesta and then, as proof of her claims, she miraculously proceeded to carry water from the Tiber in a sieve.<sup>98</sup> At this point in the narrative the active participation of the Tiber is revealed.<sup>99</sup> I suggest that a nuanced understanding of the sensitivity of rivers to the standing of a woman's purity is needed here. Contact with the flowing water of the Tiber was not enough to confirm the Vestal Tuccia's chastity:<sup>100</sup> it was the miracle of carrying water from the Tiber in a sieve that proclaimed her innocence. The water that Tuccia gathered from the Tiber miraculously did not leave the sieve, suggesting that it was the Tiber's numinous spirit that confirmed the Vestal's purity by acting contrary to nature.<sup>101</sup> Such an interpretation credits the Tiber with an active role in establishing Tuccia's purity.<sup>102</sup>

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<sup>97</sup> The distance from the Roman Forum to the Tiber was at least half a kilometre, while the distance from the *aedes Vestae* to the *fons Camenae* was over a kilometre (for discussion of the identification of the *fons* see p 45, n 54 above). This can be contrasted with the relative distances that the Vestal Tarpeia covered to collect water in Prop. 4.4, where the citadel of Rome, and Vesta's *aedes*, were located on the Capitoline (Prop. 4.4.27) and Tarpeia collected water from a *fons* in the *forum* (Prop. 4.4.11-14).

<sup>98</sup> The appearance of a *cribrum* (sieve) in the myth of Tuccia is not entirely unexpected, as it was part of the Vestal Virgins' ritual equipment. Festus 94L provides the details: *Ignis Vestae si quando interstinctus esset, virgines verberibus adfliciebantur a pontifice, quibus mos erat tabulam felicitatis materiae tamdiu terebrare, quousque exceptum ignem cribro aeneo virgo in aedem ferret*. 'Whenever the fire of Vesta had been extinguished, the Virgins had a beating administered to them by the *pontifex*; for them it was customary to keep boring through a tablet of fruitful material until a virgin should bring to the *aedes* in a sieve (*cribrum*) of bronze the fire so caught'.

<sup>99</sup> The Tiber was considered a divinity by the Romans so it is not unreasonable to view the Tiber as actively involved in the process of Tuccia's ordeal. On the divinity of the Tiber, see: Livy 2.10.11; Verg. *Geor.* 4.369, *Aen.* 8.31-67; and Varro *Ling.* 5.29, 71 (Tiberinus as the god of the Tiber).

<sup>100</sup> The purificatory capacity of rivers tends to be associated with flowing water (see p 49, n 29 above).

<sup>101</sup> On the analogy between sieves and the human body note Ar. Fr. 497 (KASSEL, AUSTIN): ὥσπερ [κόσκινον] αἰρόπινον τέτρηται. Although the reference may be to either a male or female (note translation of Henderson (2007) 347, the female is strongly suggested by the use of τέτρηται).

<sup>102</sup> The sieve miracle also featured prominently in the later account of Plin. *HN* 28.12: *durat immenso exemplo Deciorum patris filiique, quo se devovere, carmen; extat Tucciae Vestalis incest<i d>e precatio, qua usa aquam in cribro tulit anno urbis DXVIII*. 'There endures as an immeasurable example, the formula with which the Decii, father and son, devoted themselves; extant too is the plea of innocence of the Vestal Tuccia against the

The water from the Tiber was the cornerstone upon which the miracle was based. By remaining within the sieve, the water embodied and reflected Tuccia's preserved purity (i.e. her potential but un-activated fecundity).<sup>103</sup> Through Tuccia's invocation to Vesta, the Tiber was able to confirm the nature of Tuccia's chastity. In a manner reflective of Rhodopis/Styx, Tiber performs here as an arbiter of the true nature of Tuccia's chastity.<sup>104</sup>

The ability of the Tiber to determine the nature of the Vestal Tuccia's chastity assumes that the numinous identity of the river had a role in determining Tuccia's innocence, in conjunction with the prayers that Tuccia offered to Vesta. The confirmation of Tuccia's innocence reaffirmed her status as a Vestal Virgin. Elements of this story recur in the account of Claudia Quinta, who was identified as a *matrona* in the Republican period, but is described as a Vestal Virgin in the sources from the Imperial period. I propose that Claudia Quinta's transition from *matrona* to Vestal was related to her interaction with the Tiber, and in particular the strong association between the Tiber as a divine entity in the proof of chastity.

## CLAUDIA QUINTA

Claudia Quinta is represented in the Augustan literature as a *matrona*;<sup>105</sup> it is only in post-Julio-Claudian sources that Claudia Quinta takes on the status of a virgin, and the possibility

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charge of *incestum* that she used when she carried water in a sieve, in the six hundred and ninth year of the city" (145 BCE). For the Decii and the intervention of the gods, see: Livy 8.9, 10.28.

<sup>103</sup> Tuccia's use of a sieve recalls the situation faced by the Greek Danaids. For a discussion of the relationship between Tuccia's miracle and the Danaids, see: Appendix: Tuccia and the Danaids.

<sup>104</sup> See discussion of Rhodopis, pp 54-5.

<sup>105</sup> For instance, in Cic. *Cael.* 34, Claudia Quinta is associated with *laus domestica*, and while not labelled specifically as a *matrona*, she is followed in Cicero's oration by a Vestal Claudia. From this it seems likely that Cicero did not view Claudia Quinta as a Vestal. Also see Livy 29.14.12, where Claudia Quinta was characterised as one of the: *Matronae primores civitatis, inter quas unius Claudiae Quintae insigne est nomen*, "foremost matrons of the citizenry, among whom the name of one, Claudia Quinta, is outstanding". Incidentally, Claudia Quinta's varied status as either a *matrona* or a Vestal suggests a natural connection between these two social/religious categories. Their shared pursuit of *castitas* would no doubt be the feature under scrutiny here as the details of the story indicate. Whether this identification of Claudia Quinta as either *matrona* or Vestal can be taken further to argue that there were even greater similarities between these two groups is difficult to assess

of her being a Vestal emerged.<sup>106</sup> Leach coined the term ‘Vestalization’ to describe the gradual transformation within the sources of Claudia Quinta’s social identity from *matrona* to Vestal Virgin.<sup>107</sup> The impetus for such a transformation from *matrona* to Vestal appears to be a miraculous proof of chastity. In the case of Claudia Quinta, the proof of her chastity shared features with cases where Vestals had proven their virginity. While virginity can arguably be viewed as a sub-category of chastity, in cases of Vestalization it is the reverse belief that allows transformation to occur. The seeds of Claudia Quinta’s transition from *matrona* to Vestal are sown in the pre-imperial literature and reveal parallels between the proof of her chastity and that of the Vestal Tuccia’s. When these parallels are examined, our understanding of the Vestals’ relationship with rivers is enhanced and the role of the Tiber in revealing the nature of a woman’s chastity is confirmed.

Leach has proposed that Claudia Quinta may have been identified as a Vestal Virgin in the imperial period because she was confused with other Claudian women who were identified as Vestals.<sup>108</sup> Alternatively, Gérard has theorised that Claudia Quinta’s identification as a Vestal was the product of Claudian politics.<sup>109</sup> More recently, Scheid has suggested that the social expectations that applied to *matronae* and Vestals were similar enough to allow the *matrona* Claudia Quinta to be easily mistaken for a Vestal in the processing crowd,<sup>110</sup> a proposition that seems unlikely given the different stylistic conventions associated with the Vestal order and the *matronae*.<sup>111</sup> I agree with Leach that there is always a case for confusing one named woman with another from the same *gens*, given the Roman approach to naming female

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given the limitations of the evidence. On the various roles ascribed to Claudia Quinta, note: HÄNNINEN (1998) 113-5.

<sup>106</sup> Stat. *Silv.* 1.2.245-6; Claudianus *Carm. min.* 30.17-8.

<sup>107</sup> LEACH (2007) 9.

<sup>108</sup> LEACH (2007) 9. The candidates for confusion with Claudia Quinta proposed by Leach are the Vestal Claudia who interposed her body in order that her father’s triumph could continue (Cic. *Cael.* 34; Val. Max. 5.4.6), and the Claudia who dedicated the temple to Bona Dea (Ov. *Fast.* 5.155-6), whom Leach suggests may well have been a Vestal.

<sup>109</sup> GÉRARD (1980) 153-75.

<sup>110</sup> SCHEID (2001) 30-1, notably: “Ovid tells us that the women’s procession [to greet Bona Dea] included ‘mothers, daughters, daughters-in-law, and those who with their virginity perform duties at the sacred hearth.’ In such a crowd it would be easy to mistake Quinta Claudia for a Vestal” (p 31).

<sup>111</sup> See SEBASTA (1994) 46-9, OLSON (2008a) 25-41, and OLSON (2008b) 139-57, for discussion of the dress standards expected of *matronae* and *puellae*, and LA FOLLETTE (1994) 56-9 for distinguishing features of Vestal dress, and for recent discussion of Vestal dress see: FANTHAM (2008) 158-71.

children after the family *nomen*. Gérard is also right to point out that politics can never be ruled out as a driving factor when considering anything Roman. I propose, however, that there is a third, unexplored, avenue for understanding Claudia Quinta's 'Vestalization' that can be observed in the literary antecedents of the Augustan period.

I propose that a basis for the later Vestalization of Claudia Quinta can be observed in Ovid's account, where her chastity was confirmed through her interaction with the Tiber, a feature shared with the proof of the Vestal Tuccia's chastity.<sup>112</sup> The pure waters of the Tiber were involved in the former's prayers to the Magna Mater, ensuring that the smooth passage of the barge, which served as confirmation of her chastity, can be attributed to the divine influences of both deities. Claudia Quinta's later Vestalization bolsters the relationship perceived by the Romans between the Vestals and the Tiber. In this example, the Tiber was not a source of purification *per se*, but rather a divine agent who confirms the nature of a woman's chastity, again drawing a connection with Rhodopis/Styx.<sup>113</sup>

In Ovid's text, Claudia Quinta's status as a *matrona* is established by her inclusion in the procession of *castae matres*,<sup>114</sup> while her distinction from the Vestals is emphasised by their separate designation in the procession of citizenry to welcome Cybele.<sup>115</sup> It is also notable that Claudia Quinta sought the aid of a foreign goddess, particularly one who had yet to arrive formally at Rome. This feature of Ovid's story is consistent with Leach's observation that Claudia Quinta underwent a process of Vestalization,<sup>116</sup> as it is logical to suppose that, if Claudia Quinta had originally been a Vestal, she would have sought the aid of Vesta in order to demonstrate her chastity, just as Tuccia had. This detail suggests that, at the point when Ovid was writing, Claudia Quinta was seen as a *matrona*; however, taking a broader

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<sup>112</sup> Ov. *Fast.* 4.305-24.

<sup>113</sup> See discussion of Rhodopis, pp 54-5.

<sup>114</sup> Ov. *Fast.* 4.313.

<sup>115</sup> Ov. *Fast.* 4.296, contra SCHEID (2001) 31.

<sup>116</sup> LEACH (2007) 9.

perspective, the fact that her chastity was confirmed through divine intervention provides a parallel with Tuccia and other Vestal cases.<sup>117</sup>

More significantly, the proof of Claudia Quinta's chastity was not achieved solely through the intervention of the Magna Mater; the Tiber also played an important role in resolving Claudia Quinta's ordeal:

haec ubi castarum processit ab agmine matrum	313
et manibus puram fluminis hausit aquam,	
ter caput inrorat, <sup>118</sup> ter tollit in aethera palmas	315
(quicumque aspiciunt, mente carere putant)	
summissoque genu voltus in imagine divae	
figit et hos edit crine iacente sonos:	
‘supplicis, alma, tuae, genetrix fecunda deorum,	
accipe sub certa condicione preces.	320
casta negor. si tu damnas, meruisse fatebor;	
morte luam poenas iudice victa dea.	
sed si crimen abest, tu nostrae pignora vitae	
re dabis et castas casta sequere <sup>119</sup> manus.’	
dixit et exiguo funem conamine traxit	325
...	
Claudia praecedit laeto celeberrima voltu,	343
credita vix tandem teste pudica dea <sup>120</sup>	344

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<sup>117</sup> Cf. the case of the Vestal Aemilia, whose prayers to Vesta cause the extinguished flame to relight: Dion. Hal. *Rom. Ant.* 2.68.3-5.

<sup>118</sup> “*ter caput inrorat*”, the sprinkling of water (and indeed any liquid) can represent purification: EITREM (1915) 126-32.

<sup>119</sup> *sequere* lends itself a number of interpretations, here is a list of the likely possibilities in this context: *OLD* entry: *sequor*, *-qui*, *-cutus*: **1c** to follow (a receding object) with the eyes, gaze after; **2b** to go after with a movement of the body, reach after; **8** (of inanim. things) To follow or yield to the movement of (a person or thing exerting a force). **b** (of words, actions) to follow readily the will of (the speaker or doer).

<sup>120</sup> *Ov. Fast.* 4.291-325, 343-4.



When she advanced from the procession of chaste matrons and drew out the pure water of the river in her hands, three times she sprinkled her head, three times she lifted her palms towards the ether (and anyone who saw her believed she had lost her mind),<sup>121</sup> and with bended knee she fixed her look upon the image of the goddess and with hair unbound, she uttered these words: “Nourishing fecund Mother of the gods, accept your suppliant’s prayers under a certain condition. It is said that I am not chaste. If you condemn me, I will confess that I have deserved punishment; I will pay the penalty with my death as convicted by a judgement of a goddess. But if crime is lacking, bestow a pledge of my [chaste] life by the facts, and chaste [as you are] follow my chaste hands.” She spoke and with small effort she drew the rope ... thronged with crowds, Claudia walked in front with a glad expression, at long last believed *pudica* by the witness of the goddess.

The accusation against Claudia Quinta was that she was not chaste (*casta negor*). This was not a case of technical *incestum* as it applied to the Vestals, but it does follow a similar narrative structure to the accusation against the Vestal Tuccia.<sup>122</sup> After offering her prayers to the foreign goddess, Claudia Quinta easily hauled (*exiguo funem conamine traxit*) the barge conveying the sacred stone of the Magna Mater from where it was stuck fast in the Tiber.<sup>123</sup> The difficulty of the achievement was interpreted as confirmation of the Magna Mater’s acceptance that Claudia Quinta was a chaste *matrona*.<sup>124</sup> Yet the Phrygian goddess was not

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<sup>121</sup> Cf. Cloanthus’ supplication of the gods: Verg. *Aen.* 5.231-8. Three was considered to be a significant number in Roman religion and magic, and particularly favoured by the gods: note [Verg.] *Ciris* 362-73; Verg. *Ecl.* 8.74-5.

<sup>122</sup> For discussion of Tuccia, pp 66-71.

<sup>123</sup> Ov. *Fast.* 4.297-304; cf. [Verg.] *Catalepton* 13.23-6, where the image of ships stuck in the shallows of the Tiber feature in a description of the (impure) sexual cult practices to Cotyto. There appears to have been some kind of association between sexual impurity and boats stuck in the Tiber, although the precise point of overlap between the two is not immediately apparent.

<sup>124</sup> Cf. the difficulty of Tuccia’s ordeal (Dion. Hal. *Rom. Ant.* 2.69.2: τὸ παροιμαζόμενον ἐν τοῖς πρώτοις τῶν ἀδυνάτων τόλμημα). In regard to the Magna Mater, it is not unreasonable to grant her the divine ability to recognise the sexual (moral) virtues of her suppliants, as the castration of her priests was a requirement of their service, which by its physical association with chastity, signals that sexual behaviour was an area of the Magna Mater’s divine concern. On the connection between castration and chastity in a religious context, note: NOCK

the only deity responsible for the positive outcome, as Claudia Quinta offered supplication to the Magna Mater using the Tiber as her conduit. Claudia Quinta's use of the *pura fluminis aqua* 'pure river water' of the Tiber in order to supplicate the Magna Mater,<sup>125</sup> is indicative of a complex interweaving of religious values; the water from the Tiber is noted for its sacred (*pura*) quality, and its involvement in the supplication of Magna Mater draws attention to the meeting between an ancient Roman divinity and a foreign goddess. Since the barge of the Magna Mater was lying stuck in the shallows of the river, no miracle could have occurred without the Tiber's co-operation.

Ovid goes on to relate more details including: a break in the procession at night, sacrifices the following day, and the washing of the Magna Mater with the water of the Almo, a tributary of the Tiber.<sup>126</sup> These activities follow the miraculous shifting of the sacred stone by Claudia Quinta and are not enacted solely by her, as the third person plural forms of *veniunt* (l. 329), *solvunt* (l. 333), *coronarunt* (l. 335), and *mactarunt* (l. 336) attest. In addition, the washing of the Magna Mater with the water of the Almo was conducted by a male priest (a *sacerdos*) (l. 339). Since Claudia Quinta was not solely responsible for the handling of the Magna Mater after initially causing the barge of the goddess to shift, it is reasonable to conclude that the confirmation of her chastity (ll. 343-4) was directly related to her supplication of the goddess using the water of the Tiber and the initial dislodgement of the barge that followed.

Certain parallels emerge with the way that the Tiber features in the Vestal Tuccia's myth that set the conditions for Claudia Quinta's Vestalization. For Tuccia, it was not gathering water

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(1972) 9: "I would urge that the eunuch mutilated himself ... in order that he may be perfectly fitted to serve through his whole life the object of his devotion. Having made the sacrifice he is *ἀγνός*, *castus*".

In addition, the images of deities often displayed physical reactions of displeasure to the changed state of a woman's chastity. For example: Ov. *Fast.* 3.45-48, where the 'statues of Vesta' are said to have turned from the Vestal Silvia when she became a mother; Ov. *Met.* 4.793-803 described how Minerva turned away from Medusa after she was raped by Neptune, and further punished her loss of chastity by replacing her hair with snakes; and Ov. *Am.* 1.7.13-8, and Prop. 4.1.117-8, described the rape of Cassandra before the statue of Minerva, while Hor. *Epod.* 10.11-4 recorded Minerva's act of turning away. It is possible then to conclude that Claudia Quinta's innocence was further proven by the absence of an adverse reaction on behalf of Cybele.

<sup>125</sup> Ov. *Fast.* 4.314.

<sup>126</sup> Ov. *Fast.* 4.333-42.

from the Tiber that secured her innocence, but rather *how* the river-water behaved in her sieve. In the case of Claudia Quinta, as a result of her prayers, the barge of the foreign goddess was, with little effort, quickly dislodged from where it lay stuck in the river, suggesting that the Tiber played a role in easing the passage of the barge. Tiber's role in each of these cases was indirect, yet effective: the river did not offer purification via its *pura* waters, but rather, by confirming the suppliant's claim to innocence, signalled the presence of her chastity. Ovid's account of Claudia Quinta is drawing upon an established notion of the connection between (river) water and the standing of a woman's chastity which was already exemplified in Tuccia's story.

Another aspect of Ovid's account invites comparison with the Vestal Virgins, in that Claudia Quinta was accused on the basis of her style of dress, the way she wore her hair in public, and her manner when conversing with men:

casta quidem, sed non et credita: rumor iniquus 307

laeserat, et falsi criminis acta rea est.

cultus et ornatis varie prodisse capillis

obfuit ad rigidos promptaque lingua senes.<sup>127</sup> 310

She was chaste, but not believed to be: unfair rumour had hurt her, and a false charge had been brought against her; it told against her that she dressed with care and went out with varied hairstyles and had a quick tongue towards stiff old men.

Although Ovid was at pains to emphasise Claudia Quinta's *casta* state, the factors which provoked the accusation against her call to mind the *incestum* cases of the Vestals Postumia

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<sup>127</sup> Ov. *Fast.* 4.307-10.

and Minucia, who were both (separately) accused of *incestum* on the basis of their dress and public comportment.<sup>128</sup>

Claudia Quinta's miraculous feat of freeing the barge of the Magna Mater from the Tiber-bed is redolent of the miracle that Tuccia wrought with the sieve with the Tiber's aid. The common elements of the Tiber and the miracles in these stories suggest similarities between the *matrona* and the Vestal and I suggest that these parallels provided the foundation for Claudia Quinta's later Vestalization. In short, Ovid's account of Claudia Quinta's ordeal and proof of her chastity resembles in differing ways various *incestum* cases involving the Vestal Virgins, providing a strong basis for her Vestalization in imperial literature.

It seems reasonable to infer that Ovid's account was implicitly informed by the belief that pure women were intimately connected with rivers. Such a reading is borne out when Ovid's treatment of Claudia Quinta is compared with his account of Ilia in *Amores* 3.6.<sup>129</sup> Anio's (sexual) desire for Ilia is prominent in Ovid's introduction of the river,<sup>130</sup> as well as the Anio's entreaty for Ilia to join with (become wedded) him.<sup>131</sup> Ovid's retelling of the Ilia-Anio story through the *topos* of the river as passionate lover underscores the strongly sexual nature that rivers were generally assumed to exhibit, however, the ability of rivers to discern the standing of a women's chastity cannot be overlooked. It is reasonable to assume that the Anio was aware that Ilia was not a physical virgin (she had lost her virginity to Mars),<sup>132</sup> but it appears that perhaps morally purity was considered more important by the Anio. Ovid's treatment of Claudia Quinta thus appears to fit a pattern of viewing the purity of women and rivers as interconnected.

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<sup>128</sup> The case of *incestum* brought against the Vestal Postumia, see: Livy 4.44.11-12; and for Minucia, see Livy 8.15.7-8.

<sup>129</sup> Ov. *Am.* 3.6.45-82.

<sup>130</sup> Ov. *Am.* 3.6.47-8, 51.

<sup>131</sup> Ov. *Am.* 3.6.59-66.

<sup>132</sup> Ov. *Am.* 3.6.45-50.

An examination of Livy's treatment of Claudia Quinta reveals a different focus from the Ovidian version, leaving us to conclude that it was the Ovidian account of Claudia Quinta in particular that provided the basis for her later Vestalization.

Matronae primores civitatis, inter quas unius Claudia Quintae insigne est nomen, accepere; cui dubia, ut traditur, antea fama clariorem ad posteros tam religioso ministerio pudicitiam fecit. eae per manus, succedentes deinde aliae aliis ... in aedem Victoriae quae est in Palatio pertulere.<sup>133</sup>

The foremost matrons of the citizenry, among whom the name of one Claudia Quinta is outstanding, received her [i.e. the Magna Mater]; there was some doubt previously about Claudia Quinta's repute, it is said, but this only made her *pudicitia* more famous among posterity as a consequence of so pious a ministration. The *matronae* carried it [the image of Magna Mater] in their hands, with each succeeding the other, to the *aedes* of Victory, which is on the Palatine.

Livy recounted no details of dramatic supplication and very little about the sequence of events that enabled Claudia Quinta to restore her reputation for *pudicitia*. Instead Livy emphasised that Claudia Quinta's *pudicitia* was open to question. This represents a slightly different emphasis from Ovid's account, where she was explicitly accused of being unchaste (*casta negor*).<sup>134</sup> In addition, Livy attributed Claudia Quinta's restored reputation for *pudicitia* to the woman herself through her 'sacred ministrations' (*religioso ministerio*), a reference to her involvement in carrying the image of the Magna Mater to the Palatine without any mention of the Tiber.

There is little in Livy's account that prefigures Claudia Quinta's later Vestalization. Neither the Magna Mater nor the Tiber played a significant role in Livy's account. There is certainly

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<sup>133</sup> Livy 29.14.12.

<sup>134</sup> Ov. *Fast.* 4.321.

no focus on the possible divine intervention of the foreign goddess in order to preserve Claudia Quinta's *pudicitia* from the stain of infamy. *Pudicitia* was a moral virtue strongly associated with *matronae* during the first century BCE, but not necessarily Vestals.<sup>135</sup> Consequently, Livy's suggestion here that Claudia Quinta's *pudicitia* had been called into question serves to align her more strongly with the *matronae* than with the Vestals. Livy's Claudia Quinta was very much a *matrona*. On account of the fact that Livy does not draw attention to divine details, it is reasonable to propose that it was the version adopted by Ovid that inspired Claudia Quinta's later Vestalization.

The inspiration for the later Vestalization of Claudia Quinta can be observed in the parallel role of the Tiber in Ovid's account and in the myth of Tuccia. The pure waters of the Tiber were involved in her prayers to the Magna Mater, and the result was the smooth passage of Magna Mater's barge from where it was stuck in the Tiber; divine influence can be attributed to both deities. Claudia Quinta's later Vestalization bolsters the relationship perceived by the Romans between the Vestals and the Tiber. In the case of Claudia Quinta and Tuccia, the Tiber was not a source of purification *per se*, but rather a divine agent who confirmed the standing of a woman's chastity.

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<sup>135</sup> The distinction in the terms *pudicitia* and *castitas* is significant. *Pudicitia* was routinely identified as a maternal virtue. Instances where the *matronae* are linked with the virtue of *pudicitia* include: Livy 38.24; Val. Max. 6.ext.1-2; Val. Max. 8.2 (a case where *impudicitia* in a wife was viewed as grounds for divorce); later imperial examples include: Petron. *Sat.* 112; Tac. *Ann.* 1.41.2. For further discussion on the connection between *matronae* and *pudicitia*, including the cults to Patrician and Plebeian *Pudicitia*, see: LANGLANDS (2006) esp. 31-51. In distinction, *pudicitia* was rarely associated with the Vestal Virgins until the 3<sup>rd</sup> and 4<sup>th</sup> centuries CE. The late relationship between Vestals and *pudicitia* is attested best in the epigraphic evidence: *CIL* 6.2132 (c. 240 CE), *CIL* 6.2145 (c. 380 CE), *CIL* 6.32422 (365 CE). In addition, there is a single reference in Val. Max. 6.1, but the value of this reference is not clear since Valerius also claimed that *pudicitia* looked over the *pulvinar* of Capitoline Juno, dwelt in imperial residence on the Palatine, and never left the marriage bed of Julia - ironic? Note: MUELLER (1998) 230-1. In a development on Valerius Maximus, see: Sen. *Controv.* 1.2.19, where *pudicitia* was used in relation to the requirements of a priestess, presumably a Vestal. Although, Ov. *Fast.* 4.344 does explain that the miracle of hauling the barge of the Magna Mater from the Tiber proved Claudia Quinta's *pudica* state, Ovid's earlier use of *casta* may be contrasted with Livy's reference to her *pudicitia*.

## TARPEIA

Propertius 4.4 is ostensibly an aetiology of the Tarpeian Rock, famous as a place of punishment, which jutted out from the Capitoline Hill.<sup>136</sup> The story of the maiden Tarpeia, who betrayed Rome to the Sabines, was well attested in literature prior to Propertius.<sup>137</sup> The innovative aspect of Propertius' account was his characterisation of Tarpeia as a Vestal Virgin, and the dating of her actions to the Parilia festival.<sup>138</sup> In other words, just as in the case of Claudia Quinta, Propertius' Tarpeia has undergone the process of Vestalization.

In Propertius 4.4, there is no question that Tarpeia was a Vestal Virgin. Two instances in particular draw attention to Tarpeia's Vestal status. By bidding Vesta farewell, and tying the reason for that farewell to the shame that she must provoke in Vesta, Tarpeia identified herself as someone of value to Vesta who had disappointed the goddess.<sup>139</sup> Such a person in Rome could only realistically have been a Vestal Virgin. Tarpeia's loss of her chaste state of mind reflected badly on her role as a Vestal, and opened her up to accusations of *incestum*.<sup>140</sup> In a second, more explicit, allusion Tarpeia drew a correlation between the fire of Pallas [Vesta] and her tears:

quantum ego sum Ausoniis crimen factura puellis,

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<sup>136</sup> The aetiological character of Prop. 4.4 is well recognised in modern scholarship, see: BUTLER, BARBER (1933) 343; CAMPS (1965) 86. For a more specific examination of aetiological motifs note: NEILL (1995) 53-60; however, contra MARR (1970) 164.

<sup>137</sup> Dion. Hal. *Rom. Ant.* 2.38-40; Fabius Pictor *FGrH* 809 F 8; Livy 1.11.5-9.

<sup>138</sup> Propertius' characterisation of Tarpeia as a Vestal is the most notable in the Late Republican literature; cf. Varro *Ling.* 5.41.

<sup>139</sup> Prop. 4.4.35-6: *Romani montes, et montibus addita Roma, / et valeat probro Vesta pudenda meo* "Farewell, Roman hills, and Rome added to the hills, and farewell Vesta, who must be shamed by my disgrace". I follow the text of HEYWORTH (2007a). The interpretation of the time-frame of this passage is open to interpretation. Some commentators suggest that Tarpeia is talking about the *prospective* shame she will bring upon Vesta *when* she lets the Sabines in (BUTLER, BARBER (1933) 4.4.36: 'to be made an object of shame by my disgrace'); i.e. her actual betrayal of Rome and the moment when she believes she will lose her virginity to Tatius. Other commentators suggest that the phrasing of line 36 indicates that Vesta is *already* aware of the shame (*pudenda*), with the implication that Vesta is also cognizant of her priestess Tarpeia's betrayal: CAMPS (1965) 4.4.36: "Vesta before whom my wickedness is ashamed"; HUTCHINSON (2006) 4.4.35-6: "Grammatically *pudenda* must mean that Vesta is now shameful to Rome".

<sup>140</sup> Cf. the Vestals Postumia and Minucia (see Chapter Two, pp 94-7), who were both suspected of *incestum* on account of their spirited public behaviour.

improba virgineo lecta ministra foco!

Pallados extinctos si quis mirabitur ignes,

45

ignoscat: lacrimis spargitur ara meis.<sup>141</sup>

“What offense I will bring to Ausonian girls, a wicked woman chosen as attendant to the virginal hearth! If someone shall wonder that the fires of Pallas have been extinguished, let him pardon me: the altar is strewn with my tears”.

The potential extinction of the eternal flame again shows that Tarpeia was a Vestal Virgin whose chastity has been compromised.<sup>142</sup>

Having established Propertius’ characterisation of Tarpeia as a Vestal Virgin, further examination of poem 4.4 reveals Tarpeia’s relationship with water as symbolic of her changing attitude towards chastity. The involvement of Tarpeia with water is arguably the most symbolic of any of the examples examined in this chapter. I propose that Propertius’ description of Tarpeia dropping her water-filled urn at the sight of Tatius, the king of the Sabines, recalls Tuccia’s sieve.<sup>143</sup> In addition, dropping the urn also marks the moment of Tarpeia’s transition from chaste-minded virgin to a woman of awakened desire – a moment rendered even more meaningful given that Tarpeia was in the process of collecting sacral water destined for use in Vesta’s cult.<sup>144</sup> Water is the symbolic marker of Tarpeia’s sexual awakening that will ultimately lead to her betrayal of Rome.

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<sup>141</sup> Prop. 4.4.43-6.

<sup>142</sup> Also note Prop. 4.4.17-8.

<sup>143</sup> As a consequence of recalling Tuccia’s sieve, Tarpeia’s urn also draws a connection with the vessels of the Danaids and reinforces the correlation between inverted vessels and wombs. For further discussion on these issues, see: Appendix: Tuccia and the Danaids.

<sup>144</sup> As JANAN (2001) 71, observed: “the elegy’s liquid imagery measures Tarpeia’s desire for Tatius as a passion that exceeds all ‘proper’ bounds”.



The water imagery in Propertius 4.4 has been examined by previous scholars;<sup>145</sup> however, my arguments present the imagery in a new light based upon the improved understanding of the Vestals' relationship with water that has been presented in this chapter. For instance, Rutledge saw the water imagery in Propertius 4.4 as "the most natural" enemy of Vesta's flame and thus an expression of Tarpeia's conflict: "throughout the elegy Tarpeia is associated with moisture or water, elements that contradict her proper concern with Vesta's worship".<sup>146</sup> I agree with Rutledge that the water imagery expressed something of Tarpeia's conflict, but the marked juxtaposition of fire and water posited by Rutledge is not supported by the evidence for the Vestal cult.<sup>147</sup>

The moment when Tarpeia's betrayal became inevitable in the narrative is the moment that she dropped her urn upon seeing Tatius for the first time. Tarpeia is described as collecting water for Vesta when she happens to glimpse the king of the Sabines:<sup>148</sup>

hunc Tarpeia deae fontem libarat; <sup>149</sup> at illi	15
urgebat medium fictilis urna caput.	16
vidit harenosis Tatium proludere campis	19
pictaque per flavas arma levare iubas:	20
obstipuit regis facie et regalibus armis,	
interque oblitus excidit urna manus. <sup>150</sup>	

Tarpeia had drawn this water for the goddess; and an earthenware vessel was pressed to the centre of her head. She saw Tatius engaging in battle practice on the sandy field and lifting his decorated arms above his golden helmet crest: she was amazed by the

<sup>145</sup> For instance: WARDEN (1978) 177-87; BRENK (1979) 166-74; JANAN (2001) 70-84.

<sup>146</sup> RUTLEDGE (1964) 70.

<sup>147</sup> Since water was necessary to the cult, Rutledge's criticism of Tarpeia's relationship with it in Propertius 4.4 cannot be sustained.

<sup>148</sup> For the poetic significance attached to water in this poem, see: JANAN (1999) esp. 430-3.

<sup>149</sup> Daily water collection was a ritual of the Vestal Virgins: Plut. *Num.* 13.1-4.

<sup>150</sup> For a discussion of some of the textual difficulties in this passage, see: HEYWORTH (2007b) esp. 447-50, as well as Heyworth's own translation, pp 593-5.

looks of the regent and his regal armour, and the urn fell from between her forgetful hands.

The sequence of events reveals the symbolic value of the urn. Tarpeia had already filled the urn with water intended for Vesta, when she saw Tatius. His regal presence produced a physical response in Tarpeia and the urn fell from her hands. The water in the urn can be read as symbolic of the Vestal Tarpeia's chastity; her response to the sight of Tatius provoked a sexual awakening. The loss of Tarpeia's chaste state of mind is signalled by the falling urn and the water that would have doubtless spilt out of the urn onto the ground. Her sexual being, once contained within her by the bounds of chastity, was now exposed and free from constraint, just like the water from the urn. The symbolic use of water here is consistent with its appearance in other cases concerning chastity and virginity. In a manner reminiscent of the Greeks Danaids, Tarpeia's urn was inextricably linked with her chastity;<sup>151</sup> the spilt water represented not only her sexual desire, but also her inability to act in accordance with social expectation.<sup>152</sup> In a situation similar to that of Tuccia, the containment of water here stands in for Tarpeia's chastity and the spilling of water denotes sexual awakening.

In regard to the Vestals' collection of water, Servius noted that the water intended for Vesta's cult must not touch the ground lest it be considered profane (*piaculum est*).<sup>153</sup> For Tarpeia, once she dropped the urn, the spilt water lost its sacral character and also signalled the parallel loss of her chaste state of mind; her feelings of erotic attraction to Tatius are symbolically realised in the compromised water.

Tarpeia's relationship with water changed after she becomes aware of her sexual desire:

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<sup>151</sup> The urn itself draws parallels to the medical literature in which wombs were represented as inverted urns (Sor. *Gyn.* 1.9). The image of the inverted urn/womb is particularly striking in the case of Tarpeia, whose urn falls from her hands as she becomes sexually aware.

<sup>152</sup> See discussion of the Danaids in the Appendix: Tuccia and the Danaids.

<sup>153</sup> Serv. *Aen.* 11.339; also note WILDFANG (2006) 11: "the Vestals ... had special vessels in which they carried this water, which were designed in such a way that it was impossible to set them down on the ground without spilling their contents".

saepe illa immeritae causata est omina lunae,

23

et sibi tingendas dixit in amne comas:<sup>154</sup>

Often she made as an excuse the omen of the undeserving moon and declared that she must dip her hair in the river.

Tarpeia evoked two powerful symbols of female sexual desire that should have had little sway over a chaste Vestal by attributing her need to wash her hair to the moon. Hair was considered to be a powerful symbol of female sexual power,<sup>155</sup> while the moon had strong links to female sexuality as well.<sup>156</sup> Blaming her behaviour on the moon also drew attention to the fact that Tarpeia (at least) believed that her behaviour was unusual enough to require explanation, indicating again her recognition of her altered state in regard to her sexual desires. Tarpeia's use of the river-water to wash her hair draws attention to *how* she has changed. Tarpeia's use of river-water here joins (river) water's complicated relationship with sexual desire and chastity with the female sexual power connected with hair.<sup>157</sup> Further confirmation of Tarpeia's sexual awakening can be found in her hope of becoming a captive of the Sabines, particularly since female captives often became the concubines of their captors:<sup>158</sup>

o utinam ad vestros sedeam captiva Penates,

33

dum captiva mei conspicer ora Tati!<sup>159</sup>

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<sup>154</sup> Prop. 4.4.23-4.

<sup>155</sup> On the association of hair with female sexual power, see: Archilochus fr. 31 (WEST); Apul. *Met.* 2.8-10

<sup>156</sup> For the moon as a symbol of femininity: Catull. 34; for the moon as particularly associated with women also note the scholion to Theocritus 2.10, attributed to Pindar; also note the call for Diana's aid in love magic at Hor. *Epod.* 5.41-54; GREEN (2007) 121-5, 141-4 discusses the feminine sexual symbolism of Diana, in particular reference to Diana at Aricia.

<sup>157</sup> On the sexual qualities of rivers, see pp 47-9.

<sup>158</sup> The concubinage of female captives after the Trojan War formed the basis of Seneca's play *Troades*. The concubinage of female captives is also implied by Catull. 64.163, and it is a distinct feature of Rome's history, with the rape of the Sabine women which led to their becoming wives of the Roman men (Livy 1.9-13).

<sup>159</sup> Prop. 4.4.33-4.

Would that I could sit as a captive before your Penates, as long as I was able, as captive, to catch sight my Tatius' face.

Likewise in her desire to marry Tatius:

me rape, et alterna lege repende vices.  
commissas acies ego possum solvere nupta:  
vos medium palla foedus inite mea. <sup>160</sup> 60

Rape me, and repay the balance by the law of reprisal. As your bride, I can part the battle lines; you enter a treaty of reconciliation by my bridal robe.

The transformation of Tarpeia from chaste Vestal into a woman so dominated by her sexual desire that she betrayed her city to the object of her lust was the ultimate betrayal of Rome. Kroppenberg has rightly noted that it was “possible for the Republic to fall by a Vestal ... losing her virginity”,<sup>161</sup> and that “an unchaste Vestal not only ceased to be a symbol of the Roman Republic, her impure state actually placed the Republic in great danger”.<sup>162</sup> This is certainly true in the case of Propertius' Tarpeia. Importantly for our understanding of the Vestals' relationship with water, the moment of her transformation is given symbolic form in the urn that falls from her hands. Tarpeia's sacred state and her chastity were lost in the same moment as the contents of the urn were lost. Propertius' powerful portrayal of Tarpeia's struggle with her Vestal duty and her sexual awakening confirms the symbolic potency of water when considering Vestal Virgins.

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<sup>160</sup> Prop. 4.4.58-60. Also see Prop. 4.4.88 quoted above.

<sup>161</sup> KROPPENBERG (2010) 428.

<sup>162</sup> KROPPENBERG (2010) 429.



hoc Tarpeia suum tempus rata convenit hostem: 81

pacta ligat, pactis ipsa futura comes.

...

prodiderat portaeque fidem patriamque iacentem, 87

nubendique petit, quem velit, ipsa diem.<sup>166</sup>

Tarpeia judged this her time, [and] met the enemy: she seals the agreement, intending herself to come as part of the agreement ... She had betrayed the trust of the gate and her prostrate fatherland, and herself asked what day of marriage he wished.

Propertius' version of the Tarpeia myth is the quintessential Roman example of the literary motif whereby a female falls in love with an enemy of her native city and, as a consequence, betrays her native city. A prominent example of this motif is the tale of Nisus, the king of Megara, and his daughter Scylla,<sup>167</sup> invoked by Tarpeia in reference to her hopes of aiding the Sabine attack on Rome (l. 39). According to the pseudo-Vergilian *Ciris*, during a war, in which Minos the Cretan king besieged Megara, Scylla betrayed her *polis* to Minos by cutting off the lock of her father's hair that contained his life-force.<sup>168</sup> Whilst this ensured Minos' victory over Nisus, Scylla eventually paid for her betrayal with her life.<sup>169</sup>

Given Propertius' reworking of the maiden-betrayal motif, the fact that he assigned Tarpeia the position of a Vestal assumes great importance, as this particular feature of Tarpeia's identity heightens the sense of outrage that can be attached to her betrayal. The crime

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<sup>166</sup> Prop. 4.4.81-2, 87-8. The Vestals had a ritual role to play in the Parilia, which makes Tarpeia's betrayal at this time even more offensive (Ov. *Fast.* 4.721-34).

<sup>167</sup> On the relationship between Nisus and Scylla: [Verg.] *Ciris* 101-28. For a discussion of the Scylla and Nisus tradition: LYNE (1978) 5-14. Of particular note is LYNE'S (1978) 6-7, assertion that Callimachus was one of the first poets to attribute Scylla's motive for betrayal to love rather than material gain. A similar transition has been noted for Propertius' version of the Tarpeia myth, for instance: WELCH (2005) 56-7. This parallel supports the reading of a Callimachean influence in Propertius' corpus, especially for Book 4; cf. HUTCHINSON (2006) 7-16. For a literary history of this motif see: Aesch. *Cho.* 612-622; Ov. *Met.* 8.1-151; also cf. the story of Comaetho and Pterelaus: Euphorion *Thrax* fr. C col. ii. l. 14-9; Apollod. 2.4.5-7.

<sup>168</sup> [Verg.] *Ciris* 386-90.

<sup>169</sup> The parallel between Scylla and Propertius' Tarpeia may also be seen when examining Propertius' treatment of the Scylla tale in 3.19.21-8.

becomes more than just the offence of a Roman maiden falling in love with an enemy; this was a *sacred virgin*, whose unsullied flesh embodied the integrity of the Roman state. The Vestal Tarpeia betrayed the ‘trustworthy gate’ by both leading the Sabines into Rome, and offering herself as wife to Tatius.<sup>170</sup> The use of gate imagery in Latin to symbolise the entrance to the female genitalia (*pudenda*),<sup>171</sup> shows that Tarpeia’s betrayal of the ‘trustworthy gate’ functions as a metaphor for the penetration of Rome’s walls; a symbolic correlation is drawn between the penetration of Rome’s walls and the penetration that Tarpeia desired for herself. A similar correlation is drawn by D’Ambra: “Both the loss of Tarpeia’s chastity and the breach in the fortifications suggest that the city is envisioned as a female body: its passages guarded, its traffic regulated, and its honor defended”.<sup>172</sup> In place of the penetration that she sought, Tarpeia was crushed to death, buried beneath Sabine shields.<sup>173</sup> Such a violent end, in contradistinction to the outcome that Tarpeia desired, suggests that the type of violation Rome could expect from the Sabines would be similarly all-encompassing.

The combination of imagery employed in Propertius 4.4 reveals an intersection of the archetypal Vestal and Rome’s fears for its future. Tarpeia is a Vestal Virgin who seeks to lose her virginity with an enemy king. Water imagery plays a prominent role in conveying Tarpeia’s transition from chastity to sexual awakening, while Propertius’ symbolic use of water reflects our understanding of water in other contexts relating to Vestals or women who were later Vestalized, thereby strengthening Tarpeia’s identification with the Vestal order. Although Propertius is creative in his account, he (like Ovid) demonstrates an implicit awareness of the link between Vestals and water by focussing Tarpeia’s fall through water imagery.

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<sup>170</sup> Prop. 4.4.81-88, which in the HEYWORTH (2007a) text includes lines 17-18 between 86 and 87.

<sup>171</sup> ADAMS (1982) 89, has noted that references to doors (including *porta*) could be indicative of the exterior female genitalia. For the sexually euphemistic use of gate imagery, also note: WHITTAKER (2009) esp. 239, where the sexual use of *porta* has been noted for Catull. 15.18. For the possible Greek antecedent for the sexualised gate motif note: Archilochus fr. 196a l.21; HENDERSON (1991) ‘Gates and Passageways’ pp 137-8.

<sup>172</sup> D’AMBRA (1993) 84-5.

<sup>173</sup> For the violence against Tarpeia that ended her life, see Prop. 4.4.89-91.

## CONCLUSIONS

The study of the Vestals' historical use of water and the representations of water in literature concerning Vestals embodies a new approach to the evidence, and it has revealed a wide range of practical and symbolic functions associated with the element. The daily cleansing of the *aedes* and the annual cleansing of the *aedes* in June draw attention to the Romans' use of water to clean, purify, and wash away pollution. On a more numinous level, water, and especially rivers in the Vestal examples, possesses certain abilities: to determine the chastity of a woman, to see whether she has sworn a true oath, and even to alter its normal behaviour in order to prove the innocence of a Vestal or a *matrona* wrongly accused of being unchaste. These abilities contrast with the traditional interpretation of rivers as voraciously sexual males, with a penchant for virgins, but it is perhaps this interest in virgins that helps to generate the rivers' capacity to determine the character of a woman's chastity. By such a measure, taking and upholding virginity become two sides of the same coin. In terms of the Vestals, it is interesting that their interaction with rivers was not always overtly sexualised, as in the case of Tuccia. In other examples, however, a sexual reading is not difficult to see, with (the proto-Vestal) Rhea Silvia's marriage to a river and the sexual connotations of Tarpeia's interactions with water.

The myth of the Vestal Tuccia provides a template for understanding the role of the Tiber in proving her innocence on the suspicion of *incestum*. In a new interpretation, the Vestalization of Claudia Quinta can also be understood in terms of the role that the Tiber played in confirming her chastity. The shared water imagery in Ovid's account of Claudia Quinta and the myth of the Vestal Tuccia provides the basis for Claudia Quinta to be recognised as a Vestal in later literature. More broadly, this study has also drawn attention to the symbolic role that water plays in representing the sexual status of a woman, as in the case of Propertius' Tarpeia. Propertius' characterisation of Tarpeia as a Vestal Virgin again emphasises the close relationship between water and Vestals in Roman thought.



This study of the relationship between Vestals and water has addressed the polyvalence of water as a symbol in the Roman understanding while allowing a greater insight into how the Romans constructed concepts such as virginity, chastity, and female sexuality. In particular, this chapter has hopefully proffered a new perspective on the various ways in which water fulfils vital purificatory functions in Vesta's cult and enhances our understanding of the complexities of Vestal chastity when viewed in examples of Vestal myth and cases of Vestalization.

My examination of Vestals and water has focussed on source material from the Republican and Augustan periods not only because this suits the historical context of the rest of the dissertation, but because it allows attitudes towards Vestals that are contemporary with that historical context to emerge from sources. It is clear that the Vestals represent a complex set of ideals, at times fitting into binary oppositions: Vestals as virgin / Vestals as non-virgins, Vestals and the foundation / destruction of the City, Vestals as representative of the safety of / danger to the state. The prevalence of stories where Vestals are confirmed to be virginal is a reflection of the Romans' belief that the priestesses' virginity was simultaneously the most important and most vulnerable (i.e. open to failure) aspect of their service. Concerns for Vestal virginity and what it was believed to represent (the continuation of the state, the *pax deorum*) cannot be allayed by spans of time in which no suspicion was cast upon these priestesses, since a loss of virginity could theoretically occur at any time. In the following chapters, I present a strong circumstantial case that the Romans' understanding of what the Vestals represented was affected by the transition from Republic to Principate. The Vestal ideals that are prevalent in the sources examined in this chapter will be tested by the changing historical context.

## II

### *INCESTUM AND AUGUSTUS*

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*Vestal incestum (also referred to as the crimen incesti) has been viewed as a measure of Rome's perception of its own fragility;<sup>1</sup> by such a measure, the Augustan period of Rome can be viewed as a time of unequalled stability, as there were no successful Vestal incestum trials during Augustus' Principate. Conventional reasons for Vestal incestum trials have included: metus hostilis, internal political (familial) manoeuvring, and prodigia. Given that these circumstances still pertained under the Augustan Principate, and yet there were no recorded Vestal incestum trials during his lifetime, the conventional reasons associated with incestum need to be reassessed with regard to the changing socio-political situation. In this chapter, I provide an overview of the incestum trials recorded from the archaic and the Republican periods, and examine the rhetoric surrounding incestum trials during the Augustan period. I challenge the idea that there was always a direct correlation between political crisis and the live burial of Vestal Virgins. Since it was not necessarily the case that Rome faced fewer external threats or that internal politics quickly stabilised under Augustus (these conditions varied during the course of his Principate), I propose that the changing significance of the Vestal Virgins in the eyes of the Romans during the Principate contributes to our understanding of why there were no incestum trials under Augustus.*

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<sup>1</sup> In regard to the connection between Vestal *incestum* and the Romans fear of the destruction of the City, consider Dion. Hal. *Rom. Ant.* 2.67.5 (quoted in the Introduction, pp 17-18), and the even the case of Propertius' Tarpeia (discussed in Chapter One, pp 81-9).

The continuing scholarly interest in the *crimen incesti* is largely due to its anomalous characteristics when viewed against other Roman legal and religious traditions.<sup>2</sup> A number of primary sources draw attention to the unusual procedures instigated by the suspicion that a Vestal was no longer a virgin, detailing the process of trial and punishment.<sup>3</sup> In this chapter, I am concerned with the significance that the Romans invested in Vestal *incestum* during the Augustan period. I examine the chronological distribution of Vestal *incestum* cases during the Republic and the Principate and provide an interpretation of the rhetoric surrounding *incestum* in the light of that distribution.

In order to understand the rhetoric of the Augustan period concerning Vestal *incestum*, a number of things need to be established. First, I examine how the Romans viewed Vestal *incestum* as an expression of a moral schema. Second, I provide an overview of the variety of other causes for the charge of *incestum* that have been recognised in the scholarship. After reviewing the scholarship, I present the evidence for alleged Vestal *incestum* during the Republic and the Augustan periods with observations on the pattern of cases. This is followed by an examination of one of the more famous cases of Vestal *incestum* – the trials of 114/3 BCE, where I offer a new interpretation that takes into account the weight of the evidence. I also present an overview of the accusations of *incestum* that were brought against the Vestals Licinia and Fabia in c. 73 BCE in order to complete the study of *incestum*. The circumstances surrounding the two *incestum* cases of the 1st century BCE support a political reading, but neither case leads to the live burial of Vestals; I propose that this fact is significant for our understanding of how Vestal *incestum* could be utilised to pursue individual political goals. With this information we will be in a better position to analyse the rhetoric of the Augustan period which informs our understanding of how the Romans interpreted *incestum* during the Principate.

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<sup>2</sup> Works on Vestal *incestum* include: ‘Vesta’ RE (Koch), WISSOWA (1923-4) 201-14; GUARINO (1943) 175-267; BOLDRINI (1995); FRASCHETTI (1981) 51-115, (1984) 97-129; HAMPL (1983) 165-82; PORTE (1984) 233-43; LOVISI (1998) 699-735.

<sup>3</sup> For example: Livy 8.15, Dion. Hal. *Rom. Ant.* 2.67.3-5, Plut. *Numa* 10.4-7, and Festus 277L.

## VESTAL INCESTUM IN ROMAN MORALITY

Before discussing Vestal incestum in detail a brief overview of incestum more generally is warranted. Guarino, in his study of incestum, noted the broad scope of the term:

“*Incestus* (o *incestum*), da *non castum*, riveste un doppio significato. In senso ampio, esso integra ogni azione contro i buoni costumi: in senso ristretto, esso indica tanto l’unione con una vergine Vestale, quanto l’unione tra persone legate da stretti vincoli di parentela o di affinità. Quest’ ultimo è il significato moderno, letterario e giuridico, della parola.”<sup>4</sup>

Guarino draws attention to the Romans’ use of the term, in its more restricted sense, in two quite distinct ways. First of all, *incestum* was a reference to sexual relationships between close family members. A more particular definition of *incestum* applied to Vestal Virgins: any sexual contact with a Vestal was considered *incestum*.

By far the simplest reason to explain why an accusation or charge of *incestum* was brought against a Vestal Virgin is that found in the ancient sources: a Vestal was believed to have committed *incestum* if she had lost her virginity.<sup>5</sup> Parker has rightly observed that not every Vestal *incestum* case included details of a male accomplice, but that the more important factor was the Roman belief that the Vestal had willingly sought out penetration, and thus had deliberately become un-chaste.<sup>6</sup> While a loss of virginity certainly constituted *incestum*, there is provision in the evidence to understand *incestum* as related to the broader moral schema that the Romans imposed upon citizen women and Vestals in particular. Livy’s account of the Vestals Postumia and Minucia illustrate this point:

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<sup>4</sup> GUARINO (1943) 177.

<sup>5</sup> For implied or explicit reference to a Vestal’s loss of virginity as a result of sexual activity during the Republic, see: Livy 22.57.2-6 (Opimia and Floronia); Dio 26 f. 87 (Aemilia, Licinia, Marcia); Plut. *Crass.* 1.2 (Licinia); Sall. *Cat.* 15.1 (Fabia).

<sup>6</sup> PARKER (2007) 78-9.

Eodem anno Postumia virgo Vestalis de incestu causam dixit crimine innoxia, ab suspicione propter cultum amoeniorem ingeniumque liberior quam virginem decet parum abhorrens. Eam ampliata, deinde absolutam pro collegii sententia pontifex maximus abstinere iocis colique sancte potius quam scite iussit.<sup>7</sup>

In the same year, the Vestal Virgin Postumia was accused on trial of *incestum*. Despite being innocent of the crime, she laid herself open to suspicion because of her attractive dress and a more easy-going character than befits a young woman. The *pontifex maximus* remanded then acquitted her by the vote of the college. He ordered her to abstain from jokes and to dress with sanctity rather than elegance.

Eo anno Minucia Vestalis suspecta primo propter mundiorem iusto cultum, insimulata deinde apud pontifices ab indice servo, cum decreto eorum iussa esset sacris abstinere familiamque in potestate habere, facto iudicio viva sub terram ad portam Collinam dextra viam stratam defossa Scelerato campo; credo ab incesto id ei loco nomen factum.<sup>8</sup>

In that year, the Vestal Minucia was first suspected because she was more ornately garbed than was appropriate, then she was accused before the *pontifices* on the information of a slave. She was ordered by their decree to abstain from the sacred rites, and to keep her servants under her *potestas*;<sup>9</sup> after her conviction, she was buried

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<sup>7</sup> Livy 4.44.11-12; also cf. Plut. *de Capienda* 89f.

<sup>8</sup> Livy 8.15.7-8; also cf. Oros. 3.9.5.

<sup>9</sup> This may be considered a legal manoeuvre; if she freed her slaves they could no longer be compelled to provide evidence under torture, thus: BUCKLAND (1966) 66: "Where their [i.e. slaves'] evidence was admissible it was normally by torture, as in criminal cases, the torture being allowed only where there was some evidence, but not enough. An old rule excluded their evidence against their master". This view can be supplemented by reference to Cic. *Mil.* 59: *Sed quaestiones urgent Milonem, quae sunt habitae nunc in atrio Libertatis. Quibusnam de servis? rogas? de P. Clodi. Quis eos postulavit? Appius. Quis produxit? Appius. Unde? ab Appio. Di boni! quid potest agi severius? [De servis nulla lege quaestio est in dominum nisi de incestu, ut fuit in Clodium.]* "But are the investigations, which have just now been conducted in the hall of *Libertas*, said to bear down upon Milo? For instance who are the slaves? Do you ask? Publius Clodius'. Who demanded that they be examined? Appius. Who produced them? Appius. From where? From the house of Appius. Good gods! What can be done with more severity? [There is no law which allows slaves to be examined as witnesses against their master, except on accusations of *incestum*, as was the case against Clodius]".

alive near the *porta Collina*, on the right of the paved road in the *campus Sceleratus*; the name of that place, I believe, derives from her *incestum*.

Understanding that *incestum* was related to inappropriate dress and manner in these early cases, suggests that the Vestals were expected to uphold a certain standard of public comportment.<sup>10</sup> From the cases brought against Postumia and Minucia it is clear that the style of dress specific to the Vestals, including hairstyle, and the additional garments required for the performance of certain duties, served not only to visually demarcate these priestesses from other categories of Roman women, but also signalled the type of social expectations that could be projected onto them by those who viewed them; i.e. the distinctive apparel of Vestals represented particular socio-religious values.

While manner of dress did not in itself constitute *incestum*, it could reflect the presence of *incestum*. Minucia's case is by far the more serious, since she was found guilty of *incestum*, suspicion being initially aroused by the fact that her dress and manner were suggestive of the crime. Minucia's dress and comportment were believed to reveal details about her current physical state (no longer *virgo intacta*) and past behaviour which had resulted in the loss of her virginity. The accusation against the Vestal Postumia likewise emphasises that a connexion between 'attractive dress' and *incestum* could be easily inferred by a Roman audience. Despite Postumia's innocence, she was judged to have dressed in a manner that

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<sup>10</sup> Differing standards of dress for Roman women of varying classes is attested by evidence from the Augustan and imperial periods; for the difference between the amount of flesh shown by respectable *matronae* and prostitutes: Hor. *Sat.* 1.2.28-30, 83-95. Types of dress are also relevant, for instance, *matronae* were distinguished by the *stola* (Festus 112L, Plin. *HN* 33.40) and *vittae* (Ov. *Ars am.* 1.31). Evidence from the imperial period also confirms that the Vestals were expected to maintain a certain dress-code that was similar in some respects to that of *matronae*, including the *stola* (Plin. *Ep.* 4.11), and *vittae* (Ov. *Fast.* 3.30, 6.457); however, the Vestals were distinguished from the *matronae* through their continued use of the *sex crines* hairstyle (Festus 454L), as well as the use of additional garments such as the *infula* (Festus 100L), and *suffibulum* during religious performances (Festus 474L). On the use of the *infula* and *suffibulum* during religious performances, also note: Prudentius *c. symm.* 2.1085 and 1094. Visual examples of Vestal dress, such as the Palermo relief, support the literary evidence: LIMC V 'Hestia/Vesta', fig. 42. For various theories concerning the Vestals' dress-code see: JORDON (1886) 43-56; GIANNELLI (1913) 87-91; GUIZZI (1968) 11-12; 'Vesta' *RE* (KOCH) 1743; and BEARD (1980) 16. For a discussion of the *sex crines* hairstyle and its relationship with Roman brides as well other features of Vestal dress, see: LA FOLLETTE (1994) 56-61; but cf. FANTHAM (2008) 163-8, on the identification and use of the *infula*. For discussion of the various pieces of clothing associated with the *matrona*, including *stola*, *palla*, and *vittae*, see: OLSON (2008) 25-41.

suggested a state of mind lacking in moral vigour and consequently that she had violated received notions of *castitas*. A Vestal must be in possession of a purity of mind that admitted no interest in the sexual. Thus, while *incestum* was *most* manifest in a loss of virginity, there was also a grey area whereby a Vestal's internal inclination to unchastity might be thought to be reflected in a (perhaps unconscious) display of inappropriate dress and comportment.<sup>11</sup>

## SCHOLARSHIP ON THE CAUSES OF VESTAL INCESTUM

The broad moral concerns that the Romans understood to lie behind cases of Vestal *incestum* are supplemented in the scholarship with other causes, such as *metus hostilis*, politico-familial relations, and *prodigia*. Here I provide an overview of these different causes, and it will become clear that it is not entirely possible to deal with each cause separately, as there is a good deal of confluence in each instance. Not all Vestal *incestum* cases were driven by a particular hidden agenda. For the purposes of this study, however, which is concerned with how *incestum* was referred to in the rhetoric of the Augustan period, these alternative interpretations are integral to understanding the range of meaning that could be attached to Vestal *incestum*.

### *Metus hostilis*

In broad terms it is possible to read the live burial of certain Vestals as a response to an external threat or a more formal *metus hostilis*. Frascchetti cited the external threat posed by the Volsci and the conflict with Veii as influential factors leading to the execution of the

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<sup>11</sup> That it was not necessary to be no longer a virgin to be deemed unchaste is suggested by the body-and-mind relationship which encompassed *castitas*. This is apparent in the idea that a female's claim to *castitas* could be compromised by association with prostitution regardless of bodily participation: FLEMMING (1999) 43: "regardless of the circumstances and her actual virginity, once a woman enters a *lupanar*, temples are closed to her. Once she has been set up by a *leno* as sexually accessible to the general populace - the *titulus* being the potent marker of this availability - and has lived as a *meretrix* among *meretrices*, then, even if no man actually gains access to her, even if she has not in fact worked as a *meretrix*, her chastity is forfeit".

Vestal Oppia in 483 BCE.<sup>12</sup> There is also clearly a case to be made for the connection between Rome's perception that it was being directly endangered by the success of Hannibal and the human sacrifices and deaths of the Vestals Opimia and Floronia that occurred in 216 BCE. The Battle of Cannae marked a low point in the Second Punic War. The Roman forces were defeated by Hannibal. Cannae was deep in Italy, south of Rome, and there was every reason for the Romans to fear that the Carthaginians would claim victory over all Italy. *Metus hostilis* is a compelling cause leading to the live burial of Vestals when circumstances suit.

The deaths of the Vestals Opimia and Floronia for *incestum* in 216/5 BCE (one was buried, the other committed suicide) were linked by Livy with the sacrifice of two foreign couples: Greeks and Gauls.<sup>13</sup> While Livy emphasised that human sacrifice was highly unusual in terms of Roman sacrificial practice,<sup>14</sup> the fear engendered by the possibility of defeat that extended from *metus hostilis* is a reasonable explanation for them. A *metus hostilis* reading of *incestum* trials encourages the idea that the live burial of the Vestal in 216/5 BCE was expiatory.<sup>15</sup> Since the defeat at Cannae would have been interpreted as a sign of divine displeasure by the Romans, the human sacrifices and the discovery of *incestum* leading to Vestal deaths can be read as an attempt to realign Rome with the *pax deorum*. The fact that five humans died – one Vestal executed, and four foreigners sacrificed – at the moment when Rome felt under extreme threat from the Carthaginians is an unprecedented example of the Roman use of human life as expiation.<sup>16</sup> The connection between *metus hostilis* and expiation is legitimate, as Livy records a number of disturbing prodigies prior to the Roman forces leaving to meet

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<sup>12</sup> FRASCHETTI (1984) 102.

<sup>13</sup> In 216 BCE, the burial of the Vestals Opimia and Floronia was linked together by Livy 22.57 with the sacrifice of two foreign couples: Greeks and Gauls; cf. Plut. *QR* 283f, *Marc.* 3.4.

<sup>14</sup> Livy 22.57.6. On the nature of human sacrifice in Rome see: SCHWENN (1915; reprinted 1966) 148-54.

<sup>15</sup> PORTE (1984) 233-43; also note RASMUSSEN (2003) 41: "such violations and the public handling of the women's *pudicitia* and *castitas* can appear as prodigies and expiations", and WELCH (2005) 57: "in most versions, her [Tarpeia's] transgression was a private act, while ... in Varro's telling [Varro *Ling.* 5.41], it was sacrilege that tainted the state's public institutions and required public expiation". The expiatory character ascribed to Vestal burials becomes more pronounced when such burials coincided with additional human sacrifices.

<sup>16</sup> The number would have risen to six if one of the Vestals had not committed suicide.



the Carthaginians.<sup>17</sup> Although Livy noted that these prodigies were dealt with according to the Sibylline Books, the Roman defeat at Cannae prompted a new wave of prodigies, and the period that immediately followed was marked by the *incestum* of Opimia and Flornia.<sup>18</sup>

### Politico-familial Relationships

According to Münzer, political motivations and family relationships had large roles to play in how *incestum* was dealt with. It is reasonable, therefore, to see politico-familial motivations behind some accusations and/or defences of Vestal *incestum*. In Münzer's assessment of how the *pontifex maximus* dealt with the suspicion of *incestum* that attended the extinguished flame under the *virgo maxima* Aemilia in 178 BCE, he cites plausible motives for the *pontifex maximus*' actions based upon his likely familial relationship with the Vestal under suspicion:

“Der damals erst ins Amt getretene Pontifex Maximus Lepidus folgte dem Beispiel des Crassus, indem er Fahrlässigkeit im Dienst der Vesta streng bestrafte. Doch als seine eigene Tochter in den Handel hineingezogen wurde, sorgte er dafür, daß nicht nur kein Makel auf seine Familie fiel, sondern sogar der Ruhm, sichtlich von der Gottheit geliebt und beschützt zu werden. Seitdem ist von dem Erlöschen des heiligen Feuers keine Rede mehr gewesen, denn Gläubige und Ungläubige hatten an dem letzten Fall genug. Das ist freilich alles nicht streng zu beweisen; aber von den verschiedensten Seiten her sind wir doch stets zu demselben Punkt geführt worden und dürfen daher schließen: Die Obervestalin Aemilia, die schon durch ihre

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<sup>17</sup> Livy 22.36. The signs included: 1) a rain of stone in Aricia and on the Aventine; 2) Sabine statues exuding blood; 3) hot water flowing from springs; and 4) some men were killed by lightning strikes near the *campus Martius*.

<sup>18</sup> The prodigies and Vestal *incestum* were linked but were not necessarily one and the same thing according to the record of Livy 22.57.2: *terruti etiam super tantas clades cum ceteris prodigiis, tum quod duae Vestales eo anno, Opimia atque Flornia, stupri compertae et altera sub terra, uti mos est, ad portam Collinam necata fuerat, altera sibimet ipsa mortem consciuerat*. “There was further terror on top of such great disasters, both due to other prodigies, and also because in that year two Vestals, Opimia and Flornia, were found guilty of *stuprum*. One was put to death beneath the earth, as is custom, at the *porta Collina*, the other committed suicide”.

dreißigjährige Priesterwürde wie ein weibliches Seitenstück zu dem Oberpontifex M. Aemilius Lepidus anmutet, ist wahrscheinlich dessen älteste Tochter gewesen, und die Legende knüpft an den unter seinem Oberpontifikat im Jahre 178 eingetretenen Vorgang an. Das Interesse der Familie, dieses Muster einer reinen, tugendhaften Priesterin herauszustreichen, war um so größer, weil eine andere Vestalin Aemilia im Jahre 114 des schwersten Vergehens, der Keuschheitsverletzung, schuldig befunden wurde und ein schimpfliches Ende nahm”.<sup>19</sup>

“The *pontifex maximus* Lepidus, who first took office at that time [178 BCE], followed Crassus’s example by harshly punishing neglect in the service of Vesta. When his own daughter, however, was involved in the matter, he took care not only that no stain fell on his family but also that, on the contrary, it enjoyed the honour of being to all appearances beloved and protected by the deity. Afterward no more was said of the sacred fire’s going out; for believers and nonbelievers had had enough in the last case. All this can hardly be strictly proved, but from the most different perspectives we have been constantly led to the same point and may therefore conclude that the chief Vestal Aemilia, who by holding the rank of priestess for thirty years seems a female counterpart of the chief pontiff M. Aemilius Lepidus, was probably his eldest daughter, and the legend is associated with the event that took place in 178 when he was chief pontiff. The family’s interest in extolling this model of a pure, virtuous priestess was so much greater, because another Vestal Aemilia in 114 was found guilty of the most grievous offense, loss of chastity, and came to an infamous end”.<sup>20</sup>

In other examples, an internal political reading of *incestum* has tended to be privileged over other explanations. For instance, Gruen offered a political and prosopographical reading of

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<sup>19</sup> MÜNZER (1920) 177; for further expansion see pp 173-8.

<sup>20</sup> Translation by RIDLEY (1999) 164.

the *incestum* trials of 114/3 BCE, which saw three Vestals buried alive.<sup>21</sup> Yet, Gruen noted in conclusion that: “this affair ought not to be seen in an exclusively political light”,<sup>22</sup> but the alternative reading based on religious phenomena was not explored. This is particularly striking since, as will be seen in the assessment below, an explanation of this case based upon religious phenomena finds substantial support in the evidence, while the political reading must be teased out with a carefully applied prosopographical approach. I do not wish to dismiss the conclusions reached by Gruen’s method, but rather seek to draw attention to the fact that there is a need to address the variety and balance of the evidence by which the Romans sought to explain the reason why some Vestals were persecuted at certain moments in their history.

The prosopographical (political) reading of Vestal *incestum* favoured by Münzer and Gruen needs to be treated carefully when we come to the Late Republic and the Augustan periods. The evidence for these periods reveals that the Vestals were actively engaged in Roman politics in a variety of ways.<sup>23</sup> Although it seems reasonable to expect that the greater political engagement of the Vestals recorded between 100 BCE and 14 CE would result in their being potentially targeted with a higher number of (disingenuous) *incestum* accusations than found in previous periods, the evidence does not wholly support such an interpretation.

### ***Prodigia***

Another possible reason for Vestal *incestum* trials that has already been touched on briefly is the relationship between *incestum* and *prodigium* observed as early as Wissowa.<sup>24</sup> MacBain has examined *prodigia*, including those involving Vestal *incestum*, with a view to

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<sup>21</sup> GRUEN (1968a) 59-63; GRUEN (1968b) 128-31; Also note: MÜNZER (1920) 243-5.

<sup>22</sup> GRUEN (1968a) 63.

<sup>23</sup> Further discussion of the Vestals active engagement in Roman politics can be found throughout Chapters Three, Four, Five and Six.

<sup>24</sup> WISSOWA (1923-4) 201-14; also note: FRASCHETTI (1984) esp. 102-6; cf. CORNELL (1981) 31-2; MCDUGALL (1992a) 10.

understanding Rome's political and social relationships with the Italian people.<sup>25</sup> Mustakallio has more recently argued for a correlation between some *incestum* cases and specific cases of *pestilentia*.<sup>26</sup> In regard to Vestal *incestum* and *prodigia*, Rasmussen noted that:

“An element common to these prodigies is that their breach of the *pax deorum* consists in tangible, *incorrect and unusual human behaviour*. Treating ... the *incestum* of the Vestal Virgins ... as prodigies would be an obvious reaction, in light of the normal Roman perception that [this] would constitute serious violations of the *salus publica*, the welfare of Roman society, and the security of the state.”<sup>27</sup>

Rasmussen relies on the belief that the Vestals' virginal purity was essential to the continuity of the Roman state, and by doing so draws attention to the most fundamental explanation of Vestal *incestum* – that some Vestals did engage in transgressive sexual behaviour and were punished accordingly. Rasmussen further connects the state of a Vestal's virginity with *salus publica*, the “security of the state”.<sup>28</sup> This is a connection that I will return to later in the chapter.

While the sexual explanation *always* underlies Vestal *incestum*, the strength of the other readings noted above demonstrates that the evidence can be interpreted in a number of ways, and suggests that a variety of factors could be at play in any given example. For instance, Cornell offered a blend of interpretations when he observed that “the case of 216 B.C.

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<sup>25</sup> MACBAIN (1982) 7: “it is necessary to ask ourselves what prodigies and expiations *did*; what legitimate social and political ends (as well as psychological ones) they subserved?” MacBain includes in his list the following Vestal examples: Oppia 483 BCE (p 83), Urbina 472 BCE (p 83), Opimia and Floronia 216 BCE (p 88), and Aemilia, Licinia, and Marcia 114/3 BCE (p 98). It is not clear from MacBain's tabulation whether these cases are *prodigia*, expiation or both.

<sup>26</sup> MUSTAKALLIO (1992) 56-62.

<sup>27</sup> RASMUSSEN (2003) 41 – italics are those of Rasmussen. Rasmussen's tabulation of *prodigia* is more detailed than MacBain's (see n 24 above), and include: Oppia 483 BCE – prodigy (p 53), Urbina 472 BCE – expiation (p 53), Opimia and Floronia 216 BCE – prodigy (p 64), and Aemilia, Licinia, and Marcia 114/3 BCE – historical event, i.e. neither prodigy nor expiation (p 94). Neither RASMUSSEN (2003) 60, nor MACBAIN (1982) 86, see the death of the Vestal Capparonia in 266 BCE as directly connected with the other *prodigia* of that year.

<sup>28</sup> Also see ECKSTEIN (2006) 223 (quoted in the Introduction pp 19), for a similar connection between Vestals and *salus publica*.

occurred at a time of extreme religious hysteria and political crisis; and there is reason to believe that the same is true of the events of 114-3 B.C.”<sup>29</sup> Certainly some Vestal *incestum* trials coincided with moments when Rome faced external military threats and appear to have been an expression of *metus hostilis*; others were related to Rome’s internal political situation. Despite the acknowledgement that there were a variety of causes for Vestal *incestum*, however, there is an ongoing assumption in the scholarship that political motivations were the *predominant* cause leading to the live burial of Vestals. Takács, for instance, followed this line when observing that “these priestesses paid the price for men’s failings in the political sphere”.<sup>30</sup> In the rest of the chapter, I will explore the difficulties associated with privileging a political interpretation in certain cases, particularly when viewed in connection with the evidence for the Vestals’ activities and the political instability of the 1<sup>st</sup> century BCE.

## THE PATTERN OF THE EVIDENCE

The table below provides an overview of Vestal *incestum* trials where the Vestal was found guilty of *incestum*. In such cases, the standard punishment was live burial; however, in some instances the death of the Vestal was achieved by other means, such as suicide.

**Table I:** *Vestal Virgins found guilty of incestum*

Vestal	Date	Evidence
Tarpeia	c. 750 BCE	Prop. 4.4; Varro <i>Ling.</i> 5.41
Pinaria	between 616-578 BCE	Dion. Hal. <i>Rom. Ant.</i> 3.67.3

<sup>29</sup> CORNELL (1981) 28.

<sup>30</sup> TAKÁCS (2008) 89.

Oppia/Opimia/ Opillia/Popilia	483 BCE	Dion. Hal. <i>Rom. Ant.</i> 8.89.4 (Opimia); Livy 2.42.11 (Oppia), <i>Per.</i> 2 (Opillia); Oros. 2.8.13 (Popilia, <i>struprum</i> )
Urbinia	472 BCE	Dion. Hal. <i>Rom. Ant.</i> 9.40.3
Minucia	337 BCE	Livy 8.15.7-8, <i>Per.</i> 8; Hieron. <i>Adv. Iovinian.</i> 1.41; Oros. 3.9.5. Cf. <i>Hell. Oxy.</i> = <i>FGrH</i> 255, 1155.6-8)
Sextilia	275/4 BCE	Livy <i>Per.</i> 14 (Buried Alive); Oros. 4.2.8
Caparronia	266BCE	Oros. 4.5.6-9; In relation to a Plague.
Opimia and Floronia	216/5 BCE	Livy 22.57.2 ( <i>stuprum</i> ), <i>Per.</i> 22; Plut. <i>Fab.</i> 18.3; Accompanied by human sacrifices.
Aemilia	16 <sup>th</sup> of December 114 BCE	Macr. <i>Sat.</i> 1.10.5 (Fenestella)
Marcia and Licinia	113 BCE	Licina was initially acquitted on the 18 <sup>th</sup> of December 114 BCE: Cic. <i>Brut.</i> 160; Macr. <i>Sat.</i> 1.10.6); Asc. <i>Mil.</i> 45-46C; Dio 26 F87; Livy <i>Per.</i> 63; Plutarch <i>QR</i> 283f-284c; <sup>31</sup> Obsequens 37; <sup>32</sup> Oros. 5.15.22; Val. Max. 3.7.9; <sup>33</sup> Val Max. 6.8.1; <sup>34</sup> Porphyry in Hor. <i>Sat.</i> 1.6.30 (Aemilia)

<sup>31</sup> Following the omen of the virgin struck by lightning.

<sup>32</sup> Dates the trial of the three Vestals to 114 BCE, also mentions the lightning-charred equestrian virgin.

<sup>33</sup> M. Antonius is accused of *incestum* in 113 BCE. The involvement of L. Cassius suggests that this was part of the second public investigation in connection with Vestal *incestum*.

<sup>34</sup> Further to Val. Max. 3.7.9, this passage discusses the role of M. Antonius' slave in his defence against the charge of *incestum* in 113 BCE.

There are a number of cases where Vestal Virgins were accused or suspected of *incestum*, but were eventually found innocent. Such examples are scattered throughout the Republican period. It is notable that two cases occurred during the final century of the Late Republic.

**Table II:** *Vestal Virgins suspected or accused of incestum and found to be innocent*

Vestal	Date	Evidence
Postumia	420 BCE	Livy 4.44.11; Plut. <i>de Capienda</i> 89f
Tuccia	c. 230 BCE	Dion. Hal. <i>Rom. Ant.</i> 2.69; Livy <i>Per.</i> 20 (claims she was charged); Pliny <i>HN</i> 28.12; Val. Max. 8.1 abs. 5; Cf. Aug. <i>Civ. Dei</i> 10.16
Claudia Quinta	204 BCE	Claudia was only suspected of <i>not</i> being chaste; she was not accused of <i>incestum</i> . She was only identified as a <i>virgo</i> in imperial sources. Stat. <i>Silv.</i> 1.2.245-6; Claudianus <i>Carm. min.</i> 30.17-8.
Aemilia	178 BCE	Aemilia was only suspected of <i>incestum</i> , not accused. Dion. Hal. <i>Rom. Ant.</i> 2.68.3-5 (names Aemilia); Livy <i>Per.</i> 41; <sup>35</sup> Obsequens 8; <sup>36</sup> Val. Max. 1.1.7 (names Aemilia)
Licina	c. 73 BCE	Crassus accused of corrupting

<sup>35</sup> Livy *Per.* 41 provides a date of c. 178 BCE and claimed that Vesta's fire went out, but reveals no other details. PARKER (2007) 87, assigned this to the miraculous account of Aemilia.

<sup>36</sup> Obsequens also dated the fire of Vesta as going out in 178 BCE, but Obsequens does not name a Vestal.

Licina. She was accused by a Plotius(?): Plut. *Crass.* 1.2, *de Capienda* 89e

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Fabia	c. 73 BCE	Accused of having sexual intercourse with Catiline. Ascon. <i>tog. cand.</i> 91 C; Cic. <i>Brut.</i> 236, <i>Cat.</i> 3.9, 4.12 (Allusion to abuse of Vestals); Plut. <i>Cat. Min.</i> 19.3; Oros. 6.3.1; Sal. <i>Cat.</i> 15.1
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Some observations on the evidence tabulated above:

- In the cases extant Vestals found guilty (twelve) outnumber those where they were declared innocent (six) by a ratio of two to one. Of those found innocent, it is likely that Claudia Quinta was not identified as a Vestal during her lifetime, but underwent a process of Vestalization during the imperial period.<sup>37</sup> If Claudia Quinta is excluded, the number of cases where a Vestal was declared innocent can be reduced to five.
- Of the six cases where Vestals escaped an accusation of *incestum*, half (Tuccia, Claudia Quinta, and Aemilia) were credited with mythic characteristics by the end of the Late Republican period. If Claudia Quinta is again excluded, there were only two cases where Vestals who escaped an accusation of *incestum* and whose stories then became mythologised.
- Of the remaining three cases which were not mythologised, two date to the last decades of the Late Republic (Licina and Fabia). The late date of these two cases (c. 73 BCE) may provide the best explanation for why they did not assume mythic characteristics, since by this time Roman historiography was hesitant to admit supernatural causes as a valid method of interpretation. As a consequence, earlier events were more likely to have been mythologised than near-contemporary ones.

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<sup>37</sup> For a fuller discussion of Claudia Quinta's connection with the Vestal Virgins see Chapter One, pp 71-80.



If we understand that there was political motivation behind many accusations/suspicions of *incestum*, then the distinction between those cases that resulted in live burial and those that resulted in acquittal of the charge may be less meaningful than the driving factors which brought the Vestals to trial, since even the *suspicion* of *incestum* could indicate political instability and machinations. The symbiotic relationship between politics and religion in Rome is readily apparent;<sup>38</sup> however, the overlap needs to be treated carefully. On the one hand, a Vestal who was no longer a virgin called into question the *pax deorum* and the *salus publica*. Such a situation could only be remedied by her (expiatory) live burial. On the other hand, if an accusation of *incestum* was politically motivated, it is possible to draw a connection between that political situation and Rome's relationship with the gods. Political instability, when played out against a backdrop of Vestal *incestum*, assumed the characteristics of the religious pollution on some level, which for the Romans could only be negated through some form of expiation.<sup>39</sup> While it might be generally understood that, when a Vestal was found innocent, the charge could not be upheld either because of countervailing politico-religious manoeuvring (as in the case of 178 BCE noted earlier), or as a result of a strong defence (as in the case of Crassus and Licinia – examined in detail below), it is notable that there was also the possibility of a religious dimension.

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<sup>38</sup> A number of rituals performed by the *fetiales* show the interdependence of religion and politics: the *fetiales* undertook specific rituals before war was undertaken (Livy 1.32); Livy credits the influence of augury in the accession of Numa (Livy 1.18.6-10); the importance of the *fetiales* is also acknowledged in relation to dealings with foreign peoples (Livy 1.24.4-9). More broadly, note the prevailing attitude of the scholarship: NORTH (1986) 258: "religion in Rome should be seen not as an independent force, but as an integral part of the system, sharing in its political-social character and in the changes which it underwent"; also BEARD *et al* (1998) 1.99-108.

<sup>39</sup> More broadly, disruption to the *pax deorum* can also be inferred as a consequence of political instability through the neglect of temples during the Late Republic. Hor. *Carm.* 3.6.1-4 described the Romans as continuing to pay for the sins of their ancestors on account of such neglect. In regard to the same poem, NISBET, RUDD (2004) 98 note: "the civil wars are treated as a punishment for the neglect of religion (7-8)".

## AN ALTERNATIVE READING OF 114/3 BCE

Asconius provides details of the unusual features associated with the Vestal *incestum* trials of 114/3 BCE:

Ob quam severitatem, quo tempore Sex. Peducaeus tribunus plebis criminatus est L. Metellum pontificem max. totumque collegium pontificum male iudicasse de incesto virginum Vestalium, quod unam modo Aemiliam damnaverat, absolverat autem duas Marciam et Liciniam, populus hunc Cassium creavit qui de eisdem virginibus quaereret. Isque et utrasque eas et praeterea complures alias nimia etiam,<sup>40</sup> ut existimatio est, asperitate usus damnavit.<sup>41</sup>

On account of this severity [i.e. Cassius'], at the time when the tribune of the plebs, Sextus Peducaeus, accused the *pontifex maximus* Lucius Metellus, and the entire pontifical college of making a faulty judgement regarding the *incestum* of the Vestal Virgins, because he had condemned only one, Aemilia, but had acquitted two, Marcia and Licinia, the people elected this Cassius to investigate concerning the same virgins. He condemned both those two and in addition several others,<sup>42</sup> deploying, as opinion has it, excessive harshness.

Of particular note was the referral of the case by the tribune, Sextus Peducaeus, through an election by the people to Cassius Ravilla in place of the pontifical college.<sup>43</sup> The lack of confidence shown in the *pontifices* is unprecedented and invites speculation as to the

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<sup>40</sup> Although Asconius' reference '*alias*' here suggests that more than three Vestals were condemned – the other sources are consistent in that only Aemilia, Licinia, and Marcia were found guilty of *incestum* (see evidence in Table I, on p 94 above).

<sup>41</sup> Ascon. 45-46C.

<sup>42</sup> The reference to 'several others' here does not appear to suggest that more than three Vestals were implicated, LEWIS (2006) 250, provides no comment on the possibility of such controversy.

<sup>43</sup> MCDUGALL (1992a) 10-17, examined the prosopographical particulars of this case including a critique of GRUEN (1968b). From a political perspective, the prosopography of Vestals has interested scholars, for instance note "Aemilia (153)" *RE* (KLEBS); "Licinia (181)" *RE* (MÜNZER); "Marcia (114)" *RE* (MÜNZER). A recent overview is provided by SCHULTZ (2006) 140-1.

motivations behind these trials which reduced the Vestal college by half.<sup>44</sup> As Bauman observed, this anomaly shifted the crime of *incestum* out of the religious sphere and into the political one.<sup>45</sup> The details of the trial would no longer be confined to the college of *pontifices*, but available to a wider Roman audience.

Something strange had occurred between the first trial held by the pontifical college and the second trial led by Cassius Ravilla. If the verdict of the second trial is correct, and indeed three Vestals were guilty of *incestum*, then some doubt is raised as to the nature of *incestum* and the verdict of the first pontifical trial. According to the parameters of Vestal *incestum* discussed above relating to dress and comportment, loss of virginity was the most severe verdict that could be reached in cases where *incestum* was suspected. It is notable then that the *pontifices* judged only Aemilia guilty of *incestum*. One way to read the outcome of the pontifical trial is that the *pontifices* did not find evidence of Licinia's or Marcia's guilt. Another possible interpretation emerges from the fact that there was a second trial. The second (public) trial suggests that the judgement reached by the *pontifices* was considered insufficient by others, and called into question the integrity of the priestly college.

Why was the condemnation of Aemilia insufficient? The pontifical verdict did not satisfy certain Roman citizens, and a second public trial took place, at which Licinia and Marcia were found guilty of *incestum*. This was a situation of some delicacy, since the virginal state of a Vestal was emblematic of her ritual purity. A Vestal whose virginity had been compromised would not be able to perform her sacred duties successfully and consequently brought the Roman state into danger by jeopardising the *pax deorum* and *salus publica*.

A variety of explanations for these Vestal trials have been proposed by the scholarship, including a version of *metus hostilis*. While the observation that Vestals were buried alive as a response to external military crisis is certainly true for the case of 216 BCE, the same

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<sup>44</sup> GRUEN (1968a) 59-63.

<sup>45</sup> BAUMAN (1992) 53-56.

cannot be said so easily in the case of the burial of Aemilia, Marcia, and Licinia in 114/3 BCE.<sup>46</sup> In 114 BCE, Roman forces were defeated by the Thracian Scordisci in Greece.<sup>47</sup> But despite Gruen's observation that the "Romans were not accustomed to military defeats in recent years, especially by tribes of whom they had barely heard",<sup>48</sup> the defeat can hardly be seen as a threat to Rome itself, since the Scordisci had yet to reach Italy.<sup>49</sup> Closer to home, although still outside Italy, the defeat of the consul Papirius Carbo by the Cimbrians in Illyricum occurred *after* the initial accusations had been brought against the Vestals in 114 BCE.<sup>50</sup> In addition, although Rome had been aware of the conflict in Numidia since 118 BCE, she only entered into the Jugurthine War after news of atrocities emerged in 112/1 BCE, which was well after the three Vestals had been buried alive.<sup>51</sup> The difficulties in tying Rome's external conflict with these Vestal trials have been highlighted by Frascchetti's study of the chronology of events.<sup>52</sup> The possibility still exists that some Vestal *incestum* cases share a connection with military crises, but in this example, it is difficult to pinpoint a specific instance.

The intersection of the religious and the political has also prompted a political reading of the situation in 114/3 BCE. As noted earlier, Gruen has offered a political and prosopographical reading of these *incestum* trials.<sup>53</sup> If these Vestal *incestum* cases were politically motivated, that is to say, if the target/s of the trials were politically prominent men, then we have to acknowledge that the attack appears to have been indirect. This position is supported by the fact that the males who we can infer were implicated in the trials were not politically

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<sup>46</sup> This is in distinction from FRASCCHETTI (1984) 110: "Siamo in presenza di un momento di paura che può risultare in qualche modo analogo alla grande paura del 216, dopo il disastro di Canne, ed al clima generale in cui vide la luce e si sviluppò l'enorme scandalo del 114-113".

<sup>47</sup> Florus 1.39; Livy *Per.* 63.

<sup>48</sup> GRUEN (1968b) 127; cf. SCHEID (1981) 146, who viewed the Vestal trials of 114/3 BCE as related to military defeats, though no details are specified.

<sup>49</sup> The Scordisci suffered their own reverses in 112 BCE, as Livy *Per.* 63 records that they were defeated by the consul Livius Drusus.

<sup>50</sup> Livy *Per.* 63; MOMMSEN (1901) 4.67.

<sup>51</sup> Livy *Per.* 62-4; Sall. *Iug.* 27-9.

<sup>52</sup> FRASCCHETTI (1981) esp. 79-85.

<sup>53</sup> GRUEN (1968a) 59-63; GRUEN (1968b) 126-32; Also note: MÜNZER (1920) 243-5; however, also note the criticism of Gruen's interpretation provided by MCDUGALL (1992a) 11-13.

prominent themselves at the time they were accused.<sup>54</sup> Perhaps the true political targets were connected with the men implicated or were the male relations of the Vestals Aemilia, Licinia, and Marcia. In either of these cases, a political reading of the trials suggests that the accusation of *incestum* here was a *covert* tactic, since it did not aim directly at high-profile political figures. Given that the men directly implicated in the Vestal *incestum* trials were not themselves politically prominent, it is perhaps better to understand the second public trial as a criticism of the pontifical college as a whole rather than a particular attack on the faction of the *pontifex maximus*, as proposed by Gruen.<sup>55</sup>

The *incestum* cases of 114/3 BCE can be more fully understood by acknowledging the traditional *metus hostilis* or political readings and combining them with a consideration of the prodigy that occurred prior to the first trial. Previous explanations do not take full account of all the circumstances leading to the trials, and while political reconstructions offer some insight into the situation, there is another avenue of interpretation that has been overlooked; that is to accept that the prodigy associated with these *incestum* trials was the initial reason for opening the investigation.<sup>56</sup> The unusual particulars of the trials of the three Vestals, with the first internal trial being supplemented by a second, public trial, find an explanation when the seriousness of the prodigy is taken into consideration:

λέγεται γὰρ Ἑλβίαν τινὰ παρθένον ὀχουμένην ἐφ' ἵππου βληθῆναι κεραυνῶ, καὶ  
 γυμνὸν μὲν εὗρεθῆναι κείμενον τὸν ἵππον, γυμνὴν δ' αὐτὴν ὡς ἐπίτηδες ἀνηγμένου  
 τοῦ χιτῶνος ἀπὸ τῶν ἀπορρήτων, ὑποδημάτων δὲ καὶ δακτυλίων καὶ κεκρυφάλου

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<sup>54</sup> Reference is made in connection with these trials to an *eques* variously named Vetutius Barrus (Plut. *QR* 283f-284c), L. Veturius (Orosius 5.15.22), and Varrus (Porphyr. *ad Hor. Sat.* 1.6.30). These appear to be variations on same name and GRUEN (1968a) 62, n. 17, has suggested this individual may be the orator from Asculum, T. Betucius Barrus, mentioned by Cic. *Brut.* 169. If these references are to the same person, he is best known to us from his implication in this *incestum* trial. The only other male who has been associated with the trials is M. Antonius. GRUEN (1968a) *passim* argued in favour of M. Antonius being implicated in the Vestal *incestum* trials of 114/3 BCE; however, Antonius' connection comes only tangentially through Val. Max. 3.7.9, and 6.8.1, where it is noted that he faced trial for *incestum*.

<sup>55</sup> GRUEN (1968a) 62-3.

<sup>56</sup> Cf. GRUEN (1968a) 59-63.

διερριμμένων χωρὶς ἄλλων ἀλλαχόθι, τοῦ δὲ στόματος ἔξω προβεβληκότος τὴν γλῶσσαν. ἀποφνηαμένων δὲ τῶν μάντεων δεινὴν μὲν αἰσχύνην ταῖς ἱεραῖς παρθένοις εἶναι καὶ γενήσεσθαι περιβόητον, ἄψεσθαι δὲ τινα καὶ ἱππέων ὕβριν, ἐμήνυσσε βάρβαρος τινὸς ἱππικοῦ θεράπων τρεῖς παρθένους τῶν ἐστιάδων ...<sup>57</sup>

For the tale is told that a certain maiden, Helvia, was struck by lightning while she was riding on horseback, and her horse was found lying stripped of its bridle; and she herself was naked, as if her tunic had been deliberately drawn up exposing her *pudenda*; and her shoes, her rings, and her head-dress were strewn here and there, and her open mouth allowed the tongue to protrude. After the diviners declared that it was a terrible disgrace for the Vestal Virgins, that it would be trumpeted far and wide, and that some outrage would be attributed to the *equites* as well, a foreign slave of a certain *eques* laid information against three of the Vestal Virgins.

The dead, obscenely-exposed body of a virgin with protruding tongue and the similar state of her horse was unlike any other prodigy linked to Vestal *incestum* cases, and suggests that this unfortunate event actually occurred.<sup>58</sup>

Lightning was a well recognised sign of prodigy amongst the Romans.<sup>59</sup> Obsequens, possibly following Livy, notes that the lightning appeared to have entered the virgin's genitalia and exited from her mouth:

P. Elvius eques Romanus a ludis Romanis cum in Apuliam reverteretur, in agro Stellati filia eius virgo equo insidens fulmine icta exanimataque, vestimento deducto inguinibus,

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<sup>57</sup> Plut. *QR* 284a-b.

<sup>58</sup> In some cases the prodigies connected with a Vestal *incestum* charge are not detailed in the evidence, for instance, in the case of Oppia (Livy 2.42.10; Dion. Hal. *Rom. Ant.* 8.89.3); Urbinia is connected with pestilence (Dion. Hal. *Rom. Ant.* 9.40).

<sup>59</sup> Cf. other cases where lightning was interpreted as a prodigy by the Romans; Livy 10.31.8 (295 BCE), *Per.* 14 (278 BCE), 21.62.4 (218 BCE), 22.1.8 (217 BCE); Gell. *NA* 4.5 (date unknown); Oros. 4.4.1-4 (269 BCE).

exerta lingua, per inferiores locos ut ignis ad os emicuerit. responsum infamiam virginibus et equestri ordini portendi, quia equi ornamenta dispersa erant. tres uno tempore virgines Vestales nobilissimae cum aliquot equitibus Romanis incesti poenas subierunt. aedes Veneri Verticordiae facta.<sup>60</sup>

As P. Elvius, a Roman *eques* was returning to Apulia from the Roman games, in the Steltian territory his virgin daughter riding a horse was struck by lightning and killed; her garments had been drawn away from her groin, her tongue thrust out, as though the fire had entered her lower regions and shot up to her mouth. As a response, the disgrace of the virgins and equestrian order was foretold, because the equipment of the horse had been dispersed around. At one time, three Vestal Virgins from the most noble families with several Roman *equites*, endured the punishment for *incestum*. An *aedes* was built to Venus Verticordia.

Orosius provides similar details of the prodigy that also draw attention to the exposure of the virgin as a consequence of the lightning strike:

[20] Isdem diebus obscenum prodigium ac triste visum est. L. Helvius eques Romanus cum uxore et filia de Roma in Apuliam rediens, tempestate correptus cum filiam consternatam uideret, ut citius propioribus tectis succederent, relictis vehiculis arreptisque equis filiam uirginem equo insidentem in medium agmen accepit. [21] puella continuo ictu fulminis exanimata est, sed omnibus sine scissura aliqua uestimentis adeptis ac pectoris pedumque uinculis dissolutis, monilibus etiam anulisque discussis, ipso quoque corpore inlaeso, nisi quod obscenum in modum nuda et lingua paululum exerta iacuit; equus quoque ipse, quo utebatur, straturis frenis et cingulis dissolutis passim ac dispersis exanimis procul iacuit. [22] Paruo post hoc intercessu temporis L. Veturius eques Romanus Aemiliam virginem Vestalem furtiuo stupro polluit. duas praeterea virgines Vestales eadem Aemilia ad participationem

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<sup>60</sup> Obsequens 37. A similar description is also provided by Oros. 5.15.20-1 (quoted below).

incesti sollicitatas contubernalibus sui corruptoris exposuit ac tradidit. indicio per servum facto supplicium de omnibus sumptum est.<sup>61</sup>

During those same days an uncanny and ominous prodigy was seen. L. Helvius, a Roman *eques*, was returning from Rome to Apulia with his wife and daughter, when he was caught by a storm. Seeing his daughter was very frightened, he abandoned the carriages and seized hold of the horses in order to move up to the shelter close at hand; he took his virgin daughter, who was riding a horse, into the middle of the company. The girl was immediately killed by a lightning bolt, but with all her clothes being removed without any tearing and the bonds of her breast and feet being loosened, and with her necklaces and rings being shattered, and with her body too undamaged, except that she lay naked in an obscene manner, with her tongue protruding a little. The horse itself, which she had been riding, lay lifeless some distance away with the harness scattered and the saddle-girth loosened and dispersed here and there. Shortly afterwards, L. Veturius, a Roman *eques*, sexually violated the Vestal Virgin Aemilia in secret. This same Aemilia thereafter incited two other Vestal Virgins to participate in *incestum* by exposing them and handing them over to the companions of her own corruptor. When information was presented by a slave, they were all executed.

Both Obsequens and Orosius draw attention to the indecent exposure of the virgin as a consequence of the lightning strike, and the unsavoury detail of the protruding tongue. Importantly here, although the details of the case differ, both also draw a chronological connection between the prodigy and the Vestal *incestum* cases of 114/3 BCE.

Obsequens' suggestion that the initial point of contact of the lightning strike was the virgin's sexual organs hints that the virgin had been doubly robbed: not only of her life but also of her virginity. The sexual connotations of the incident are clear when lightning is recognised as a

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<sup>61</sup> Oros. 5.15.20-1.



sign of Jupiter, in whom lightning can take on sexual overtones, and are doubly emphasised when the connection between the mouth and vagina in Greco-Roman literature is acknowledged.<sup>62</sup>

The exposed *pudenda* are also striking. The Romans were generally not comfortable with the public exposure of female genitalia.<sup>63</sup> The exposure of a virgin, particularly in combination with the sexual inference already drawn in connection with lightning, could not help but suggest that this prodigy was indicative of sexual misconduct. The implication that the virginity of the victim had been lost as a result of the lightning strike turns attention towards Roman *virgines*.

A prodigy that, by inference, suggested a sexual scandal involving a *virgo* made a link with the Vestals a reasonable explanation. The specificity of the dead, indecently-exposed virgin left the priestesses in a difficult position, as their connection with such a prodigy was putatively assured by the unusual, but not impossible details. If we allow for the possibility that this prodigy *did* prompt the investigation of the Vestal college, it is further possible that Licinia and Marcia died for a crime that they did not commit. It is even possible that Aemilia too was not guilty of *incestum*, but that the severity of the prodigy was felt by the Romans to require the condemnation of at least one Vestal as expiation, and as it turned out, three.

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<sup>62</sup> In regard to the relationship between Jupiter and lightning: Cic. *Nat.* 2.65; Augustus dedicated a temple to Jupiter the Thunderer (*Tonans*) after narrowly escaping being struck by a lightning bolt (*RG* 19; Suet. *Aug.* 29). Also cf. the story of Semele, who was killed when Jupiter appeared to her in his divine form of the storm (*Ov. Met.* 3.253-312); on the use of similar terminology for vaginas (the ‘mouth’ of the uterus) and mouths in Greek medical literature, note SISA (1990b) 53, and for further discussion on the same issues with reference to both Greeks and Romans, see: KING (1998) 28.

<sup>63</sup> KASTER (2005) 44 and n. 51, provides Mart. 3.87.1-4 as an expression of the ambivalence Roman males could demonstrate towards female genitalia; also note the discussion of female genitalia in RICHLIN (1992) 26-9, 66-70. The Roman attitude to the exposure of female genitalia can be compared with that of the Greeks - a variety of Greek sources are discussed by KING (1986) 53-77. Also note the attitude of Greek women to the exposure of their own genitalia: Plut. *Mul. Vir.* 249b-d, 253e.

## ACCUSATIONS OF VESTAL *INCESTUM* AND ROME'S INTERNAL POLITICS

Under the premise that an *incestum* trial that resulted in live burial symbolically mirrored instability either in or for Rome, one would expect to see an increased concentration of such cases during the 1<sup>st</sup> century BCE. Instead, as the tables above demonstrate, we have evidence of only two cases, in both of which the Vestals were found innocent. Since there is no question that the 1<sup>st</sup> century BCE was one of the most politically unstable periods in Roman history, it is reasonable to assume then that the correlation between Vestal *incestum* and the Romans' perception of the fragility of the state was not necessarily a direct one. In the rhetoric of the Augustan period discussed below, it becomes clear that the Romans did perceive *some* connection between Vestal *incestum* and the instability of the state, but this at best forms only a partial explanation of the distribution of *incestum* cases during the Republic. The patterned occurrence of Vestal *incestum* cases, both those that did result in live burial and those that did not, needs to be approached in a more nuanced way, with regard to the particular circumstances of each case.

An examination of the accusations of *incestum* brought against the Vestals Licinia and Fabia in c. 73 BCE is warranted on account of the fact that they are the closest in time to the Augustan period, and they are the only two examples recorded during the 1<sup>st</sup> century BCE. The circumstances surrounding both cases confirm that Vestal *incestum* could indeed be connected with Rome's internal politics. Both examples date to c. 73 BCE, but appear to have been unconnected with each other and are therefore unique in the pattern of evidence for Vestal *incestum*. These examples mark a distinction from early cases of *incestum* that were associated with Rome's external military concerns, but they are still in keeping with the broad thesis adopted by Münzer and Gruen that there was a correlation between Roman politics and Vestal *incestum*.

### *c. 73 BCE The Vestal Fabia is Accused of Incestum*<sup>64</sup>

Asconius' commentary on parts of the Ciceronian corpus presents pertinent details regarding the Vestal Fabia:

Fabia virgo Vestalis causam incesti dixerat, cum ei Catilina obiceretur, eratque absoluta. Haec Fabia quia soror est Terentiae Ciceronis, ideo sic dixit: etiam si culpa nulla subesset. Ita et suis pepercit et nihilo levius inimico summi opprobrii turpitudinem obiecit.<sup>65</sup>

When an association with Catiline was cast up against her, Fabia the Vestal Virgin had pleaded her case regarding the charge of *incestum* and had been acquitted.<sup>66</sup> Because this Fabia was the sister of Terentia, wife of Cicero, he said on that account: “even if there was no underlying guilt”. Thus he both spared his own people and by no means more lightly cast up to his enemy the disgrace of a crowning insult.

The Ciceronian reference which prompted Asconius to provide details about the *incestum* trial against Fabia is of such opacity that any relationship to the Vestals, and Fabia in particular, is easily missed by a modern audience.<sup>67</sup> Although the *incestum* charge against Fabia ended in acquittal, and, as Lewis notes, Catiline was discharged, Cicero attached a stain

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<sup>64</sup> For the chronology leading to this date, see p 107. Note that LEWIS (2001) 141, is confident in dating both the *incestum* cases against Fabia and Licinia to 73 BCE.

<sup>65</sup> Ascon. 91C.

<sup>66</sup> Asconius' treatment of Fabia (*Fabia virgo Vestalis causam incesti dixerat ... absoluta*) allows for the possibility that, in cases of *incestum*, Vestals could speak in their own defence. It is reasonable to suppose that Asconius' reference that Fabia 'spoke' (*dixerat*) emphasises her active participation at the trial. For further discussion concerning the Vestals' privilege to speak in public, see Chapter Five, pp 211-13.

<sup>67</sup> See Cicero as quoted by Ascon. 91C. Asconius notes that Cicero was concerned with preserving Fabia's reputation due to her relationship with Terentia, and was therefore constrained in his representation of the incident. This is a persuasive explanation for Cicero's obliqueness and it continues to be followed in the scholarship, for instance: CADOUX (2005) esp. 171-3.

of infamy to Catiline through an association with the alleged crime by drawing attention to the incident in *In toga candida*.<sup>68</sup>

The case against the Vestal Fabia receives treatment in a number of sources. Plutarch's account has attracted much scholarly attention, but this has been due to his contested reference to Clodius rather than to issues directly concerning Fabia.<sup>69</sup> Plutarch was relatively distant from the action he described, but Sallust, who was more or less contemporary with Cicero, made the following remark in regard to Catiline:

Iam primum adulescens Catilina multa nefanda stupra fecerat, cum virgine nobili, cum sacerdote Vestae, alia huiusce modi contra ius fasque.<sup>70</sup>

Even as a youth Catiline engaged in many nefarious acts of *stuprum*, with a noble virgin, with a priestess of Vesta, and others of this type, in defiance of *ius* and *fas*.

Details are few. The date usually proposed for the *incestum* trial involving Catiline and Fabia is 73 BCE (see below); in that year, Catiline was about thirty-five years old, which, as Cadoux has noted, is an age compatible with the description *adulescens*.<sup>71</sup> Sallust does not name the Vestal. The paucity of evidence makes Fabia's involvement difficult to interpret. The focus on Catiline's lust also serves to draw attention away from the degree to which

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<sup>68</sup> LEWIS (2006) 300; cf. CADOUX (2005) 169-70, who argued that Catiline was formally acquitted of the charge. The important point from the perspective of this study is that the *Vestal* was not found guilty. On the date of *In toga candida*, see ASCON. 82C (64 BCE), 83C.11-2 (a few days before the consular elections); for an assessment of the characters and political situation surrounding this speech: CRAWFORD (1984) 159-68.

<sup>69</sup> According to Plut. *Cat. Min.* 19.5-6, P. Clodius Pulcher was creating agitation amongst the people and priests at the same time that the case against the Vestal Fabia was taking place; contra GRUEN (1974) 271, where Clodius is viewed as 'levelling charges of *incestum* against the Vestal Virgin Fabia'; for a fuller discussion on the same issue see: GRUEN (1971) 60-1. Clodius' involvement in this case has been disputed in recent scholarship, note: TATUM (1990) 203-4, and later TATUM (1999) 44. Tatum drew attention to the discussion of this issue by MOREAU (1982) 232-9; cf. CADOUX (2005) 175, and also LEWIS (2006) 300, who rejects Clodius' involvement as unlikely due to his age in 73 BCE.

<sup>70</sup> Sall. *Cat.* 15.1.

<sup>71</sup> CADOUX (2005) 167, cited Cic. *Phil.* 2.118 in favour of seeing the age of forty-three as the upper limit on the description of *adulescens* for a man.

Fabia actively participated in the events leading up to the accusation of *incestum*.<sup>72</sup> The result of the focus on Catiline's vice is that the *incestum* case against Fabia was more likely to have been interpreted by Romans as indicative of Catiline's weakness rather than Fabia's. Even so, Fabia's death was assured if she had been found guilty.

Sallust's characterisation of Catiline's dealings with a Vestal as *stuprum* supports Asconius' description of the incident as *incestum*.<sup>73</sup> Cicero may also refer to the case at *In Catilinam* 3.9 in the context of the conspirator Lentulus' attempted inducement of the Gauls:

Eundemque dixisse fatalem hunc annum esse ad interitum huius urbis atque imperi qui esset annus decimus post virginum absolutionem, post Capitoli autem incensionem vicesimus.<sup>74</sup>

And he likewise said that *this* was the year fated to the destruction of this city and its authority, which was the tenth year after the acquittal of the virgins, and the twentieth after the burning of the Capitol.

The aspects of the Catilinarian conspiracy that Cicero refers to here date to late 63 BCE,<sup>75</sup> and Cicero neatly draws attention to Catiline's nefarious past with a Vestal in the same breath as discussing the aspirations of Lentulus, one of Catiline's chief co-conspirators.<sup>76</sup> Cicero's oblique reference to Vestal trials does not name Catiline, but the plural *virginum* indicates that there was more than one Vestal tried that year.<sup>77</sup> Given that the conspiratorial activity under scrutiny here took place in 63 BCE, the year c. 73 BCE can be posited for the acquittal

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<sup>72</sup> An accusation of lust was a standard jibe of political invective. Although note EDWARDS (1993) 47-8: "The power these men exercised is represented as illegitimate by those who describe it. Yet the association of political and sexual power suggests the two could be seen as mutually reinforcing". A number of sources note that Catiline's lust for Aurelia Orestilla was of such ferocity that it contributed to the death of his son (App. *BC* 2.2; Cic. *Cat.* 1.13-14; Sall. *Cat.* 15.2 (step-son); Val. Max. 9.1.9).

<sup>73</sup> This interpretation was also followed by Oros. 6.3.1, who referred to the case as an *incestum* trial.

<sup>74</sup> Cic. *Cat.* 3.9

<sup>75</sup> Cicero's third *in Catilinam* speech was delivered in Rome on the 3<sup>rd</sup> of December 63 BCE.

<sup>76</sup> On the role of Lentulus, note: App. *BC* 2.1.2; Dio 37.30.4; Sall. *Cat.* 32.

<sup>77</sup> BROUGHTON (1951-2) 2.114; also LEWIS (2006) 300.

of the virgins. One of these *incestum* trials was probably of the Vestal Fabia, while the identity of the second Vestal can be established on the basis of comparative evidence - Cicero was most likely referring to the *incestum* case brought against the Vestal Licinia c. 73 BCE.<sup>78</sup>

### ***c. 73 BCE The Vestal Licinia is Accused of Incestum***

The case against the Vestal Licinia concerned her relationship with Marcus Licinius Crassus. The accusation against Crassus for his association with the Vestal Licinia opened Plutarch's *Life of Crassus*, as a means of foreshadowing the character trait of avarice, for which Crassus was notorious:

καίτοι προῖών καθ' ἡλικίαν αἰτίαν ἔσχε Λικιννία συνιέναι, τῶν Ἑστιάδων μιᾷ παρθένων, καὶ δίκην ἔφυγεν ἡ Λικιννία Πλωτίου τινὸς διώκοντος. ἦν δὲ προάστειον αὐτῇ καλόν, ὃ βουλόμενος λαβεῖν ὀλίγης τιμῆς ὁ Κράσσος, καὶ διὰ τοῦτο προσκείμενος ἀεὶ τῇ γυναικὶ καὶ θεραπεύων,<sup>79</sup> εἰς τὴν ὑποψίαν ἐκείνην ἐνέπεσε, καὶ τρόπον τινὰ τῇ φιλοπλουτίᾳ τὴν αἰτίαν τῆς φθορᾶς ἀπολυσάμενος, ὑπὸ τῶν δικαστῶν ἀφείθη. τὴν δὲ Λικιννίαν οὐκ ἀνῆκε πρότερον ἢ τοῦ κτήματος κρατῆσαι.<sup>80</sup>

And yet when he had attained mature years, he was accused of coming together with Licinia, one of the Vestal Virgins, and Licinia was prosecuted at law by a certain Plotius. Licinia was the owner of an excellent suburban property that Crassus wished to get at a low price, and it was for this reason that he was eternally involved with the

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<sup>78</sup> Plut. *Crass.* 1.2-6.

<sup>79</sup> It is noteworthy that Crassus is represented as approaching Licinia in a manner similar to that of a *captator* (a legacy hunter): cf. Hor. *Sat.* 2.5.57.

<sup>80</sup> Plut. *Crass.* 1.2.

woman and paying attention to her, until he fell under that suspicion. And in a way it was his avarice that was instrumental in his freeing himself from the charge of corrupting the Vestal, and he was acquitted by the judges. But he did not leave Licinia alone until he had gained possession of her property.

The construction of Plutarch's biographies around moral themes<sup>81</sup> offers a neat explanation for the appearance of this story at the opening of the *Life of Crassus*. Plutarch's ethical focus, however, does not exclude a political reading of the incident. Plutarch's account emphasises that the relationship between Crassus and Licinia led to her prosecution; the implication of the text is that the 'coming together' (*συνιέναι*) of Crassus and Licinia was in actuality a sexual encounter, leaving *incestum* as the most likely allegation made by Plotius. In an ingenious mode of defence, Crassus appealed to his reputation for avarice as a more plausible motivation for spending time with a Vestal than any alleged sexual union.<sup>82</sup> Crassus' defence indirectly confirmed Licinia's status as an independent land-owner, which was in keeping with the legal privileges of Vestals.<sup>83</sup> Furthermore, the accusation made against Licinia here suggests that a sexual union could be easily 'read' into any occasion where a male spent time with a Vestal.

On the basis of Cicero noting that two *incestum* cases took place within a twelve month period c. 73 BCE, the trial of Licinia for *incestum* can be placed prior to Crassus gaining the command to move against Spartacus. The allegation against Crassus was led by a Plotius, and it is this information that raises the possibility of a political dimension to the charge.<sup>84</sup>

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<sup>81</sup> For a discussion of Plutarch's focus in the biographies note: WARDMAN (1971) esp. 254-6; also see SWAIN (1989) 62. More particularly on Plutarch's *Crassus* see BRAUND (1993) 468: "As now seems accepted, it was the portrayal of character, to protreptic and moral ends, that was the governing principle of Plutarch's biographical writings".

<sup>82</sup> Crassus' reputation for avarice is noted by other ancient writers, for instance: App. *BC* 2.18 cites the profitability of Parthia as one reason Crassus pursued his ill-fated campaign there; Cic. *Off.* 3.63; Val. Max. 9.4.1.

<sup>83</sup> On the legal position of Vestal Virgins see: Chapter Five *passim*.

<sup>84</sup> WARD (1977) 75, has suggested two alternatives for the identification of Plotius: first, the Plotius (Plautius) behind the *lex Plotia agraria* concerning land allotments for Pompey's veterans of the Sertorian war, or second, A. Plautius (Plotius), legate to Pompey in the war against the pirates, as well as the war against Mithridates, and

Whatever Crassus' political ambitions were in 73 BCE, his implication in an *incestum* trial was an effective move to sideline him by his opponents. An accusation of *incestum* against a Vestal was a serious charge that could not be ignored. As a political manoeuvre, it was an extreme measure, as the accusation endangered the life of the Vestal as well as any men implicated.<sup>85</sup> At the very least, Crassus was legally unable to assume any magistracy or military command until the trial was concluded.

A political reading of the *incestum* trial involving Licinia and Crassus is strengthened by the general consensus in the ancient sources that Crassus was not a man susceptible to sexual immorality. In defence of Crassus' sexual virtue Plutarch states that, with regard to his relations with women, his conduct was as exemplary as that of anyone in Rome,<sup>86</sup> and that the Romans generally thought that Crassus' avarice was so great that it overshadowed any other vices he might have possessed.<sup>87</sup> The severity of the charge brought against Crassus, and the fact that he was acquitted, may be an indication that he held a stronger political position at Rome at this time than has generally been recognised. This case also shows how a Vestal could be easily implicated in a political imbroglio. Her symbolic importance to Rome ensured that the state could not ignore claims of her possible sexual compromise. The political reading overshadows Licinia's own activities; she was fortunate enough to survive the process unscathed.

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a demonstrable Pompeian supporter throughout his political career. He further notes that "if either of these men is the Plotius who laid the charge of *incestum* against Licinia, one can rightly suspect political propaganda behind the whole story of Crassus's dealings with Licinia". On the rivalry between Crassus and Pompey at this time, also see: GRUEN (1974) 40-1.

<sup>85</sup> On the risk of death for men implicated in Vestal *incestum* cases, note: Livy 22.57.2 (L. Cantilius in 216/5 BCE); Oros. 4.5.9 (266 BCE).

<sup>86</sup> Plut. *Crass.* 1.

<sup>87</sup> Plut. *Crass.* 2.1.



### ***Analysis of the Vestal incestum trials of c. 73 BCE***

The *incestum* cases brought against Fabia and Licinia in c. 73 BCE share certain characteristics that differentiate them from previous examples. It is worth noting first of all that, as far as we can establish, they both occurred in the same year. It seems unlikely, however, that they proceeded as a double trial. The evidence for both cases is treated independently by the sources, and it is only the inference from Cicero which suggests that the two trials occurred within the same year. If both date to 73 BCE, this is the only case of two *separate* trials of Vestal *incestum* taking place in the same year.

Second of all, the details provided for each case lends itself most readily to a political reading. There is no suggestion in the evidence that either case was presaged by a sign (such as the extinguishing of the eternal flame) which might have demanded an investigation of the Vestal college. While the events of 73 BCE, such as Spartacus' forces continuing to defeat Roman forces, may have played into Roman fears that the City was in danger, no direct connection between this danger and the state of the Vestals' virginity appears to have been drawn.

Thirdly, the political reading is further supported by the innocence of the Vestals in both cases. The Vestals' innocence suggests that the accusations themselves were disingenuous and focussed on the high-profile male citizens who were implicated. By 73 BCE, both Catiline and Crassus were well-established political figures.<sup>88</sup> Male citizens had been implicated in previous cases of Vestal *incestum*, but never before had the male citizens been such high-profile political figures. The political reading cannot help but be supported by the political prominence of the men involved.

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<sup>88</sup> Both men are believed to have been legates in 82 BCE (BROUGHTON (1951-2) 2.71-2). Although dates cannot be established, Crassus was most likely quaestor, aedile, and praetor between 77-3 BCE) Catiline is recorded as praetor in 68 BCE and presumably held other magisterial positions prior to 73 BCE.

Fourthly, it is notable that cases of this type do not occur again after 73 BCE.<sup>89</sup> There may be a number of explanations for this. It may be the case that the use of Vestal *incestum* as an overt political tool, seemingly designed to obstruct people from pursuing political advancement, was not viewed as a successful means of dealing with political rivals. It is further possible that the serious nature of the charge was believed by some to have warranted a more serious attitude towards the making of such accusations, leading to a change in attitude. It may also be possible that, after these two cases, Roman men may have gone to greater lengths to avoid association with Vestals in order to avoid such accusations.

The evidence points to Vestal *incestum* being used as a direct (overt) political attack on politically prominent male citizens. Such a reading of the evidence is supported by the focus upon the *male* accused over the Vestal Virgin implicated in the limited source material. There is a suggestion here that the danger inherent in Vestal *incestum* (i.e. the potential destruction of the state) had been co-opted for political agendas and this may have had indirect negative consequences for how Vestal *incestum* was perceived. By this, I mean that the potentially severe consequences of Vestal *incestum* were devalued by a direct connection with politics. If a charge of *incestum* no longer focussed upon the Vestals, but her supposed, politically-prominent co-accused, what then did *incestum* truly signify? While there continues to be evidence for citizen males (particularly relatives) associating with the Vestals, it is interesting that Vestal *incestum* trials with a direct *political* target do not occur again after 73 BCE. For whatever reason, it seems that the use of Vestal *incestum* as a direct political tactic fell out of favour.

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<sup>89</sup> Indeed there are no recorded cases of Vestal *incestum* trials after 73 BCE until the reign of Domitian (Plin. *Ep.* 4.11.6-11).

## AUGUSTAN RHETORIC

The connection widely assumed between Vestal *incestum* and the internal and external politics of Rome is open to criticism in some cases, particularly in connection with the events of 114/3 BCE. Such criticism is strengthened when the 1<sup>st</sup> century BCE and the Augustan Principate are considered in light of the *crimen incesti*. It is true that there were no Vestal *incestum* trials during Augustus' lifetime; however, it is also true that the *most* unstable period of Rome's political history – the 1<sup>st</sup> century BCE – was similarly unmarked by any live burials as the result of *incestum* trials.<sup>90</sup> Despite the fact that not a single Vestal had been buried alive since 113 BCE, Ovid felt able to suggest that it is significant that there will be no Vestals buried alive under Augustus:

nunc bene lucetis sacrae sub Caesare flammae: 455

ignis in Iliacis nunc erit estque focus,

nullaque dicetur vittas temerasse sacerdos

hoc duce nec viva defodietur humo.

sic incesta perit, quia quam violavit, in illam

conditur: est Tellus Vestaque numen idem. <sup>91</sup> 460

Now, sacred flames, you shine under Caesar [Augustus]: now the fire is and will be upon the Ilian hearth, and no priestess will be said to have violated (her) fillets under this leader and no priestess will be buried in the live ground. The unchaste priestess is destroyed in this way: because she is buried in that which she has violated. The Earth and Vesta are the same divine spirit.

Ovid's claim gives the appearance of being prophetic, given his use of the future passive *dicetur* to describe the state of Vestal chastity under Augustus. Any claim to prophecy on

<sup>90</sup> Indeed, there were no successful *incestum* trials between 113 BCE and 83 CE.

<sup>91</sup> Ov. *Fast.* 6.455-60.

Ovid's part, however, is negated by the dedication of the *Fasti* to Germanicus,<sup>92</sup> which suggests that Ovid continued to work on the *Fasti* after Augustus' death in 14 CE. The possibility cannot be ruled out that Ovid's future projection here was written after the event, when he would have been cognizant of the fact that there had been no Vestals buried alive during Augustus' lifetime. Even so, it is interesting to note that it was Ovid, not Augustus, who drew attention to the absence of Vestals found guilty of *incestum*. If Augustus had invested this fact with any great significance we might expect to find some mention of it in the *Res Gestae*, perhaps along with the closing of the gates of Janus; instead, Ovid inferred the significance.<sup>93</sup>

*Fasti* 6.455-460 begins with an acknowledgement of the new shrine for Vesta in Augustus' Palatine residence: *nunc bene lucetis sacrae sub Caesare flammae*, which was a consequence of Augustus becoming *pontifex maximus* in 12 BCE. By foregrounding the location of the new shrine, before noting that "no living priestesses will be buried in the ground" under Augustus' leadership, Ovid implies that there is a relationship between the maintenance of Vestal virginity and the Vestal's new and close (symbolic) proximity to Augustus.<sup>94</sup> By doing so, Ovid acknowledges the extent of Augustan power; i.e. the Vestals' close association with Augustus (physical as well as symbolic)<sup>95</sup> protected their virginity to a greater degree than had previously been the case.

Ovid implicitly understood the lack of the *crimen incesti* under Augustus as an expression of the success of the moral regime implemented by Augustus. A similar sentiment, without the reference to the Vestals, is expressed in Horace's *Carmen Scaeculare* of 17 BCE:

iam Fides et Pax et Honos Pudorque

57

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<sup>92</sup> Ov. *Fast.* 1.3.

<sup>93</sup> Although it is an *argumentum ex silentio*, we can suppose that if there were any instances of *incestum* under Augustus, it would not have been in his interest to prosecute them.

<sup>94</sup> LITTLEWOOD (2006) 140-2.

<sup>95</sup> For an extended discussion of the close physical ties between the Vestals and Augustus see Chapter Six *passim*.

priscus et neglecta redire Virtus

audet<sup>96</sup>

59

Now the *Fides* and *Pax*, *Honor* and *Pudor* of old, and neglected *Virtus* venture to return.

Moral reform was one element of the broader Augustan programme that sought to bring stability back to the Roman state after the prolonged period of civil disturbances. The restoration of Rome's temples and the pacification of the frontiers were all contributions towards Rome's stability.<sup>97</sup> Horace's assertion that *fides*, *pax*, *honor*, *pudor*, and *virtus* could return to the city suggests that the moral aspirations of the Principate were facilitated by Rome's political stability under Augustus' leadership.<sup>98</sup> From such a perspective, the fact that there was no trace of Vestal *incestum* during the Principate, either in the form of accusation, suspicion, or trials leading to burial, might seem to support the assumption expressed by Ovid that the stability provided by Augustus' leadership was responsible for this absence. Far from offering an overt political interpretation, Ovid's language at *Fasti* 6.455-60, suggests that the (moral) stability engendered by Augustus' leadership would be (*dicetur*) confirmed by the morality of the Vestals.

As noted at the beginning of the chapter, there are a variety of circumstances that could lead to a Vestal *incestum* investigation. The absence of *incestum* under the Principate suggests that conventional circumstances associated with Vestal *incestum* are not sufficient to explain the situation. There is another perspective, however, that can explain why there were no Vestal *incestum* cases under Augustus: the significance of the Vestal Virgins in the eyes of the Romans altered during the same period.

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<sup>96</sup> Hor. *Carm. saec.* 57-9.

<sup>97</sup> On the restoration of Rome's temples: Hor. *Carm.* 3.6.1-4; on the pacification of the frontiers under Augustus: *RG* 13 details the closing of the gates of Janus Quirinus.

<sup>98</sup> Cf. Hor. *Carm.* 3.24.25-44.

The Vestal order was affected in a variety of ways by the transition from Republic to Principate, and this in turn, I suggest, changed the ways in which the Vestals were invested with meaning. Under Augustus, the Vestals' privileged legal status was reduced by a series of reforms that undermined their former pre-eminence amongst Roman women (see Chapter Five); the prominent political role played by Vestals during the Late Republic appears to have diminished under the Principate (see Chapter Three); and the topographical relationship that the Vestals enjoyed with the *aedes Vestae* was altered significantly by the addition of a new shrine to Vesta on the Palatine in 12 BCE (see Chapter Six). These changes were concomitant with an increasing belief on the part of Romans that the safety of Augustus was critical for ensuring the safety of Rome. Such an attitude is expressed by Horace:

quis Parthum paveat, quis gelidum Scythen,	25
quis Germania quos horrida parturit	
fetus incolumi Caesare? quis ferae	
bellum curet Hiberiae? <sup>99</sup>	28

Who would fear the Parthian, who the ice-cold Scythian, who the offspring that uncouth Germania gives birth to, as long as Caesar is safe? Who would care about war in savage Hiberia?

The connection between the safety of Rome and Augustus is also found on coinage dating to 16 BCE.<sup>100</sup> The investment of the safety of Rome in the body of a politically dominant man is not unique to Augustus. Such a thought emulates to a certain degree the connection that Cicero invoked between the safety of all citizens and Julius Caesar:

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<sup>99</sup> Hor. *Carm.* 4.5.25-8.

<sup>100</sup> *RIC* 1.68 nos. 353, 356-8 (Also note an earlier representation of Salus on Roman provincial coinage during the triumvirate period: *RPC* 1.1.277, no. 1389).

Nam quis est omnium tam ignarus rerum, tam rudis in re publica, tam nihil umquam nec de sua nec de communi salute cogitans, qui non intellegat tua salute contineri suam et ex unius tua vita pendere omnium?<sup>101</sup>

For who is there so ignorant of all things, so undeveloped in matters of the *res publica*, so completely without thought for either his own safety or the safety of the community, that he does not understand that to preserve your safety is to preserve his own and the lives of everyone depend upon your life alone?

Even if Cicero's intention in the *pro Marcello* was to be ironic, the ideas expressed stand as a precursor to later instantiations.<sup>102</sup> One consequence of the increasing trend of the Late Republic to invest the safety of Rome in the body of single political leader is that the Vestals' traditional claim to be caretakers of the safety of the state now finds a competitor. The connection between Vestals and the safety of Rome can be inferred from the fact that the *aedes Vestae* housed the *palladium*.<sup>103</sup>

As noted in the Introduction, variations on the phrase *pignus nostrae salutis atque imperi* 'the guarantee of our safety and *imperium*' can be found reference to the *palladium* and even to Vesta.<sup>104</sup> Ovid applied the phrase *imperii pignora* more symbolically on the occasion of Augustus becoming *pontifex maximus*. The relevant passage bears repetition here:

ignibus aeternis aeterni numina praesunt 421

Caesaris: imperii pignora iuncta vides.

di veteris Troiae, dignissima praeda ferenti,

qua gravis Aeneas tutus ab hoste fuit,

ortus ab Aenea tangit cognata sacerdos 425

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<sup>101</sup> Cic. *Marcell.* 22; cf. also Cic. *Marcell.* 25, 29, 32-3.

<sup>102</sup> In regard to Cicero's use of irony in the *pro Marcello*, consider the view of DYER (1990) 17-30.

<sup>103</sup> Cic. *Scaur.* 48 acknowledged the importance of the *palladium* (see the Introduction pp 12-13, 18-22).

<sup>104</sup> Introduction, pp 18-19.

numina: cognatum, Vesta, tuere caput.

quos sancta foveat ille manu, bene vivitis, ignes:

vivite inextincti, flammaque duxque, precor.<sup>105</sup> 428

The divinity of eternal Caesar presides over the eternal flames: you see the guarantees of *imperium* joined together. Ancient gods of Troy, a most worthy prize for him that bore it, weighed down by which Aeneas was safe from the enemy, a priest from the line of Aeneas touches your related divinities. Vesta, protect your kinsman's head. The fire, which is maintained by his sacred hand, you live well. I pray that both flame and leader live unextinguished.

The subtle change in the use of the language of safety provides a new way of explaining the lack of Vestal *incestum* cases during the Augustan Principate. Although the absence of *incestum* accusations and/or trials can be interpreted as an expression of the stability that Augustus had brought to Rome, as noted by Ovid above, the same absence may also suggest a deeper conceptual change in regard to how the Romans perceived the relevance of the Vestal cult at this time. The rhetoric concerning safety was once invested strongly in the Vestal cult and tied to their care of the *palladium*, and also to their perpetual virginity, but during the Late Republic the Romans increasingly began to view the safety of the state as dependent upon a single strong political figure. This effectively transferred the burden of Rome's safety from the Vestals to the *princeps*. The safety of the state, once the burden of the Vestals alone, was now shared with Augustus. It is also pertinent that Ovid here charges the Vesta to redirect her power, once concerned with the protection of Rome, to the protection of Augustus. Given the change in Roman thinking, the fact that there were no cases of Vestal *incestum* under Augustus finds some explanation, as the potency that was formerly attached to these accusations/trials was lessened by the need to preserve *Augustus* for the continuity of the state.

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<sup>105</sup> Ov. *Fast.* 4.421-8.



## CONCLUSIONS

The pattern of Vestal *incestum* trials in the Republic and the Augustan periods reveals that a direct correlation between them and Rome's politics is not always a suitable explanation. The range of interpretations for the causes that may lie behind an accusation or suspicion of *incestum*, such as *metus hostilis*, *prodigia*, and politico-familial relationships must be balanced against the likelihood that some Vestals were buried alive on account of transgressive sexual activity.

A reconsideration of the evidence surrounding the infamous *incestum* trials of the Vestals in 114/3 BCE has hopefully drawn attention to the role that *prodigia* may play in such incidents. The *prodigia* connected with these *incestum* trials – a *virgo* struck by lightning in a manner that was suggestive of sexual violation – was so distinctive that it can be counted as an important contextualising factor in our understanding of the situation.

The internal political difficulties of the Late Republic did not result in the conviction of any Vestals for *incestum*, but the evidence does suggest that there may well have been a transition from the use of Vestal *incestum* as a covert political tactic to an overt attack on prominent political figures. Whereas the trials of 114/3 BCE appear to have been influenced by a number of factors, including religious signs and changing attitudes towards the influence of the *pontifices*, the trials of c. 73 BCE appear to have had particular political targets in mind, and the Vestals accused were unfortunately implicated.

While Ovid was correct to observe that there were no cases of Vestal *incestum* during Augustus' leadership of Rome, his suggestion that this reflected the stability of the state indirectly acknowledges the changing language of safety that had developed as Rome increasingly invested her political interests in individuals.<sup>106</sup> It is clear from Ovid that the

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<sup>106</sup> Ov. *Fast.* 4.421-8.

association between Vestals' virginity and the safety of Rome was not forgotten, but the safety of Rome was now bound to the preservation of Augustus as well. Moreover, it was the stability that *Augustus* brought to Rome that served to strengthen the Vestal order and preserve them against *incestum*.

# III

## VESTAL ACTIVITY DURING THE LATE REPUBLIC

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*Some acts of the Vestal Virgins during the Late Republic suggest individual initiative and/or the collective purpose of the college. In this chapter, I assess the evidence for Vestal activity that falls beyond the categories examined in Chapter Two (Incestum and Augustus) and Chapter Four (Vestals and Documents).<sup>1</sup> My investigation of the Vestals accounts for the evidence in a way that has not been previously attempted by highlighting the distinction between the activity of individual Vestals that can be observed during the Republic, and the shift to collective Vestal activity in the Augustan period. My approach to the study of Vestal activity provides new insights into our understanding of the cult's position within Roman society in the period prior to the Triumviral and Augustan periods. Furthermore, I also assess the reasons that lie behind the discrepancy between the levels of Vestal activity during the Republic as compared with the Augustan period. I argue that the difference in the evidence reflects the changing state of politics in Rome and the Vestals' changing relationship with politics.*

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<sup>1</sup> The study of *incestum* cases in which the Vestal was found guilty forms a discrete element in our understanding of the Vestals, and for this reason is dealt with separately in Chapter Two. Examples where the Vestals act as document custodians, first documented in 45 BCE for Julius Caesar's will, are also not covered here. The Vestals' custodianship of documents is relevant to our understanding of Vestal activity, but I examine it separately in Chapter Four because the topic generates a specialised discussion of the evidence that would be inappropriate in this chapter.

A surprising amount of evidence in the ancient sources points to the Vestals' active engagement in Roman society, revealing activities that were often extraordinary and additional to the annual and continuing ritual duties that the Vestals performed.<sup>2</sup> An in-depth study of the Vestals' extra-ritual activity, with an eye to the changes that occurred as a result of the transition from Republic to Principate, constitutes a new approach to the evidence. Such an approach seeks a greater diachronic understanding of the Vestals during a pivotal period of Roman history. Studying the Vestals' activity in the Late Republic is advantageous for two main reasons; first, it allows a picture to emerge of the Vestals' relative independence during a period characterised by major political fluctuations; and second, examining the examples together provides a basis for a discussion of the changes that occurred in the Vestals' activities under Augustus.

There are particular constraints that need to be acknowledged when considering the activities of Vestals which went beyond the standard ritual requirements. For instance, the Vestals' capacity to engage in extra-ritual activities must be balanced against their cultic duties (care of the eternal flame, attendance at sacrifices etc.), and socio-cultic expectations (chaste behaviour, virginity). Even with the unique socio-cultic restrictions imposed on the cult, the evidence for the Late Republic reveals that the priestesses had some leeway with regard to *individual* action. I emphasise the individual aspect of Vestal action here because many of the examples considered below concern the actions of a single Vestal and it is precisely this element of the individual that was lost during the Principate.

My approach to the spread of the evidence for Vestal activity is new. Previous scholarship has viewed the study of Vestal activity (individually or collectively) as hindered by a dearth of consistent evidence. This has led to approaches such as that of Beard: "the evidence we have for the Vestals (though ample in comparison with that available for most other ancient priesthoods) is not sufficient to draw any but the most banal comparisons between one period

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<sup>2</sup> A list of the Vestals' annual ritual duties is supplied in Appendix: Timelines of the Vestal Cult.

and the next.”<sup>3</sup> More recently, Kroppenberg considered synchronically a wide range of evidence for Vestals throughout their whole history without any programmatic statement offered as to why this ought to be the best approach.<sup>4</sup> One danger in these approaches is that they tend to prioritise the content of the evidence over its context. As a consequence, the varied nature of the evidence for Vestal activity can be overlooked in favour of evidence that produces a sense of coherence. A more diachronic approach to the evidence allows us to account for the variety of Vestal activity as well as following the examples through the changing historical context.

As a necessary preface to the discussion of the Vestals’ activity during the Late Republic and the Augustan periods, I have produced a table of the relevant evidence over the page, which includes extra-ritual activity as well as significant ritual activities:

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<sup>3</sup> BEARD (1980) 12.

<sup>4</sup> KROPPEMBERG (2010) 418-39.

**TABLE I: Appearances of the Vestals in the Evidence for the Late Republic and Augustan Periods (150 BCE-14 CE)**

No.	Vestal	Date	Activity	Evidence
1	Claudia	143 BCE	Interposed her body to allow the procession of her father's triumph.	Cic. <i>Cael.</i> 34
2	Licina	123 BCE	Dedicated an <i>ara</i> , an <i>aediculum</i> , and a <i>pulvinar</i> to Bona Dea	Cic. <i>Dom.</i> 136
3	Aemilia, Licinia, Marcia	114/3 BCE	Accused and found guilty of <i>incestum</i>	Aemilia was found guilty on the 16 <sup>th</sup> of December 114 BCE (Macr. <i>Sat.</i> 1.10.5 (Fenestella)). Licinia was initially acquitted on the 18 <sup>th</sup> of December 114 BCE: Cic. <i>Brut.</i> 160; Macr. <i>Sat.</i> 1.10.5-6); Asc. <i>Mil.</i> 45-46C; Dio 26 F87; Livy <i>Per.</i> 63; Plutarch <i>QR</i> 283f-284c; <sup>1</sup> Obsequens 37; <sup>2</sup> Oros. 5.15.22; Val. Max. 3.7.9; <sup>3</sup> Val Max. 6.8.1; <sup>4</sup> Porphyry in Hor. <i>Sat.</i> 1.6.30 (Aemilia)

<sup>1</sup> Following the omen of the virgin struck by lightning.

<sup>2</sup> Dates the trial of the three Vestals to 114 BCE, also mentions the lightning-charred equestrian virgin.

<sup>3</sup> M. Antonius is accused of *incestum* in 113 BCE. The involvement of L. Cassius suggests that this was part of the second public investigation in connection with Vestal *incestum*.

<sup>4</sup> Further to Val. Max. 3.7.9, this passage discusses the role of M. Antonius' slave in his defence against the charge of *incestum* in 113 BCE.

No.	Vestal	Date	Activity	Evidence
4	The Vestal College	c. 82 BCE	Aided Julius Caesar to secure the favour of Sulla	Suet. <i>Iul.</i> 1.1-2; cf. Plut. <i>Caes.</i> 1
5	Licina	c. 73 BCE	Accused of <i>incestum</i> with M. Crassus.	Plut. <i>Crass.</i> 1.2, <i>de Capienda</i> 89e
6	Fabia	c. 73 BCE	Accused of <i>incestum</i> with Catiline	Ascon. <i>tog. cand.</i> 91 C; Cic. <i>Brut.</i> 236, <i>Cat.</i> 3.9, 4.12 (Allusion to abuse of Vestals); Plut. <i>Cat. Min.</i> 19.3; Oros. 6.3.1; Sal. <i>Cat.</i> 15.1
7	Arruntia, Licinia, Perpennia, Popillia	70 BCE	The <i>cena aditialis</i> for L. Cornelius Lentulus Niger	Macr. <i>Sat.</i> 3.13.11
8	Fonteia	c. 69 BCE	Appeared at the trial of her brother M. Fonteius	Cic. <i>Font.</i> 46-8
9	The Vestal College	63 BCE	Interpreted the sign at the rites to Bona Dea	Plut. <i>Cic.</i> 20.1-2; cf. Dio 37.35.4
10	Licina	63 BCE	Gave her <i>locus</i> at the games to L. Licinius Murena	Cic. <i>Mur.</i> 73

No.	Vestal	Date	Activity	Evidence
11	The <i>virgo Vestalis maxima</i>	45 BCE	Custodian of Julius Caesar's will	Suet. <i>Iul.</i> 83.1
12	The Vestal College	41 BCE	Custodians of the tablets of the veterans	Dio 48.12.1-2
13	The Vestal College	39 BCE	Custodians of the treaty of Misenum	App. <i>BC</i> 5.8.73; Dio 48.37.1, 48.46.2
14	The Vestal College	32 BCE	Custodians of Marcus Antonius' will	Plut. <i>Ant.</i> 58.4-5; cf. Dio 50.3.3-4
15	The Vestal College	13 CE	Custodians of Augustus' will	Suet. <i>Aug.</i> 101.1; Suet. <i>Tibe.</i> 23; Tac. <i>Ann.</i> 1.8



Of the evidence tabulated above, some examples are discussed elsewhere – including the *incestum* cases (nos. 3, 5 and 6), and the examples where the Vestal college was utilised to care for documents (nos. 11-15). The inclusion here of these examples is important, as the table demonstrates the *variety* of recorded activities of the Vestals between 143 BCE and 14 CE. The evidence reveals that there are more examples of individual Vestal activity during the Late Republic than during the Principate. Cicero, particularly in his forensic speeches, has left us a number of examples of Vestals acting with individual intent (nos. 1-3, 6, 8, 10). Our understanding of Vestal activity for the subsequent period is hampered by the absence of circumstantial detail, such as that provided by Cicero, and the absence of other examples of forensic oratory. The *periochae* of Livy for the period 45 BCE – 9 BCE do not preserve any mention of the Vestals. As far as can be discerned, the trend in the Livian *periochae* was to record cases of Vestals found guilty of *incestum*, and subsequently punished.<sup>1</sup> The pattern apparent in the Livian *periochae* in reference to the Vestals suggests that we cannot rely on them for evidence of Vestal activities beyond the punishment of *incestum*.

I propose that the silence of our sources in regard to individual Vestals' activities during the Principate is suggestive of a change wrought by the rise of Augustus, and that the trend from the representation of Vestal individualism to Vestal collectivism is a manifestation of the broader *Zeitgeist* calling for a return to traditional Roman values.

## VESTAL ACTIVITY DURING THE LATE REPUBLIC

The evidence for Vestal activity presented in Table I reveals that the priestesses demonstrate initiative (both individually and collectively) in a number of areas during the Late Republic. In some examples the Vestals take the initiative on a religious issue that fell outside the

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<sup>1</sup> Livy *Per.* 2, 8, 14, 20, 22, 28 (scourging), 63. It is notable that the *periochae* do not record cases where accusations of *incestum* were made that did not result in punishment. For example, the *periochae* do not record the accusation of *incestum* brought against Licinia or Fabia in c.73 BCE.

normal parameters of their ritual duties. These initiatives include the dedications to Bona Dea in 123 BCE (no. 2), and the interpretation of a fire-portent at the rites to Bona Dea in 63 BCE (no. 9). Such cases deserve attention because they reveal that under certain circumstances the Vestals were willing to assume that certain ritual activities fell within the purview of their priesthood. Other cases show Vestals in situations where the motivation to act was more political than religious. The Vestals' collective action in c. 82/1 BCE (no. 4), in connection with Julius Caesar, is difficult to reconstruct, but it appears to be at least possible that the Vestals aided Caesar for personal reasons.<sup>2</sup> Of particular interest is the appearance of the Vestal Fonteia at the trial of her brother M. Fonteius in c. 69 BCE (no. 8), where Fonteia's position as a Vestal must be balanced against familial concern. The precise distinction between what was a familial concern and what was a political one cannot be readily distinguished in Republican Rome, and this is also true of Vestal activity; in cases where so many of the details of a situation need to be reconstructed it is prudent to acknowledge that, from a Roman perspective, the personal/familial was often associated with the political.

In the section of the chapter which follows, I examine in detail a selection of examples from the evidence presented in Table I in order to demonstrate the ways in which the Vestals of the Late Republic were active beyond the requirements of their ritual duties. The examples highlight the variety of motivations that can be simultaneously seen in some cases and also serve to emphasise the significant contrast between the evidence for Vestal activity in the Republic and that in the Augustan period. Not all the examples from Table I are considered in detail. Some examples are only treated briefly in the evidence, which means that any conclusions reached as to the motivations of the Vestals remain highly speculative. Even in examples which receive a fuller treatment in the sources, it can be difficult to discern the extent to which the Vestal/s involved demonstrated initiative or were constrained by familial or cultic pressures. For instance, I do not examine the Vestals' participation in the *cena aditialis* for L. Cornelius Lentulus Niger, as any conclusions drawn in regard to the activities

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<sup>2</sup> For further discussion, see: Appendix: The Vestals and Caesar in c. 82 BCE.

of the priestesses are very much dependent upon our precise understanding of the dining arrangements. In keeping with a more diachronic approach to the study of Vestal activities, the examples which are studied in detail are presented chronologically.

***c. 143 BCE The Vestal Claudia Interposes her Body to Secure her Father's Triumph (No. 1)***

The story of the Vestal Claudia is the quintessential example of a Vestal priestess taking an active political stance:

Nonne te, si nostrae imagines viriles non commovebant, ne progenies quidem mea, Q. illa Claudia, aemulam domesticae laudis in gloria muliebri esse admonebat, non virgo illa Vestalis Claudia, quae patrem complexa triumphantem ab inimico tribuno plebei de curru detrahi passa non est?<sup>3</sup>

Surely if the masculine images of our family did not move you, did not even my descendant, that famous Claudia Quinta, urge you to rival her domestic praise in the matter of womanly glory; did not that famous Vestal Virgin Claudia [urge you], who, by embracing her father at his triumph, did not allow him to be dragged down from his chariot by a hostile plebeian tribune?<sup>4</sup>

This was a moment where family loyalties outweighed other (cultic) considerations. The evidence of a Vestal continuing her familial relationships after her entry into the cult calls arguments for the neutrality of the Vestals into question. In an attempt to explain why the Vestals were seen as appropriate custodians of documents, Wildfang has contended recently that the formal removal of Vestals from their family contributed to their neutrality.<sup>5</sup> Claudia's

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<sup>3</sup> Cic. *Cael.* 34.

<sup>4</sup> Cf. Suet. *Tib.* 2.4; Val Max. 5.4.6.

<sup>5</sup> WILDFANG (2006) 100.

actions here to secure the triumph of her father demonstrate that the removal of Vestals from the *potestas* of their family did not result in a severing of all familial ties,<sup>6</sup> and indicates that any political neutrality putatively conferred upon the Vestals must be done with a measure of wariness.<sup>7</sup>

For Claudia, the familial cannot be clearly distinguished from the political, as she actively used her Vestal inviolability to help advance the political aims of her father.<sup>8</sup> Appius Claudius Pulcher's triumph was highly controversial on account of the fact that he was not able to secure public approval for it;<sup>9</sup> Claudia's presence at his side enabled him to complete the triumph in spite of this. Claudia's own motivations are beyond us, although the controversial circumstances surrounding Pulcher's triumph allow for the possibility that her action was considered.<sup>10</sup> Did she willingly choose to help her father or was she coerced into providing assistance? On this point, McDougall's reconstruction of the electoral competition between Claudia's father, Appius Claudius Pulcher, and Scipio Aemilianus for the patrician censorship of 142 BCE is useful.<sup>11</sup> Although the evidence does not provide a clear judgement of Claudia's motivations, it seems likely that the driving force behind Pulcher's pursuit of the triumph was to further his ambition for the censorship. In the face of family pressure, Claudia may have felt compelled to help. What we do not find in the evidence is the reaction of the other Vestals. It seems unlikely that the other Vestals would have unanimously agreed with Claudia's actions, but there is no record of any dissatisfaction.

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<sup>6</sup> According to Gell. *NA* 1.12.9, Vestals were *not subject to the potestas* of anyone once released from the *potestas* of their father. For further discussion of Vestal *potestas* and this passage from Gellius, see the Introduction pp 6-7. On the Vestals' legal position see further discussion in Chapter Five, pp 205-222.

<sup>7</sup> Cf. WILDFANG (2006) 100, who contended that the Vestals' role as custodians of wills can be understood as the result of two factors: the formal removal of these women from their family, which led to their neutrality, and their cultic duty to protect Rome's figurative *penus*.

<sup>8</sup> On the political situation surrounding Appius Claudius Pulcher's triumph of 143 BCE, see: GRUEN (1968b) 22-3; MCDUGALL (1992b) 452-60. On Claudia's situation, WILDFANG (2006) 92, suggests that: "it is ... possible that she acted out of a wish to expand the power and prestige of her own order".

<sup>9</sup> Suet. *Tib.* 2.4; Dio 22. fr. 74.2; Oros. 5.4.7.

<sup>10</sup> Cf. BAUMAN (1992) 47: "In testing the limits of tribunician power, Claudia was in the mainstream of contemporary thinking" and also p 47 n. 21: "There can be no doubt that Claudia showed a keen appreciation of the legal issues".

<sup>11</sup> MCDUGALL (1992b) 458-60.

It is likely that the success of Claudia's interference is related to the belief that the Vestal body was inviolable. Certainly this is the implication of Suetonius' later account of the same event:

Etiam virgo Vestalis fratrem iniussu populi triumphantem ascenso simul curru usque in Capitolium prosecuta est, ne vetare aut intercedere fas cuiquam tribunorum esset.<sup>12</sup>

Furthermore a Vestal Virgin [Claudia], when her brother was celebrating a triumph without the sanction of the people, ascended the chariot along with him and followed him all the way to the Capitol, to make it religiously illicit for any of the tribunes to forbid it or interpose his veto.

Despite Suetonius' reference to the Vestal's relation being her brother here, the other details (the triumph, the imposition of the Vestal's body) suggest that this event is the same one as related by Cicero. Importantly, the innovative use of Vestal inviolability here reveals a conscious blurring of the political and the religious in Republican Rome. This example of the unorthodox use of a Vestal's inviolability is characteristic of the political innovation apparent in late second century BCE.<sup>13</sup>

### ***123 BCE The Vestal Licinia and the Dedications to Bona Dea (No. 2)***

In 123 BCE, the Vestal Licinia became embroiled in a religious dispute with the pontifical college. The details of the incident are provided by Cicero:

Sed ut revertar ad ius publicum dedicandi, quod ipsi pontifices semper non solum ad suas caerimonias sed etiam ad populi iussa adcommodaverunt ... cum Licinia, virgo

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<sup>12</sup> Suet. *Tib.* 2.4.

<sup>13</sup> Increasingly during the second half of the second century BCE, ambitious men began to place pressure on the governing structures of Rome that operated by convention rather than by law; particularly notable on this score are the Gracchi. On this point also note BAUMAN (1992) 47.

Vestalis summo loco nata, sanctissimo sacerdotio praedita, T. Flaminio Q. Metello consulibus aram et aediculam et pulvinar sub Saxo dedicasset, nonne eam rem ex auctoritate senatus ad hoc conlegium Sex. Iulius praetor rettulit? cum P. Scaevola pontifex maximus pro conlegio respondit, QVOD IN LOCO PVBLICO LICINIA, GAI FILIA, INIVSSV POPVLI DEDICASSET, SACRVM NON VIDERIER. Quam quidem rem quanta <tractaverit> severitate quantaque diligentia senatus, ex ipso senatus consulto facile cognoscetis.<sup>14</sup>

But to return to the official laws for dedications, which the *pontifices* themselves continually adapted not only to their own rituals, but also to the decrees of the people ... when Licinia, a Vestal Virgin of the highest birth, endowed with the most sacred of priesthoods, in the consulship of Titus Flaminius and Quintus Metellus, dedicated an altar, an *aedicula*, and a *pulvinar* under the Rock, did not the praetor Sextus Iulius refer the issue on the senate's authority to the decision of this [pontifical] college? At that time Publius Scaevola, the *pontifex maximus*, responded for the college: "THAT WHICH LICINIA, DAUGHTER OF GAIUS, DEDICATED IN A PUBLIC PLACE WITHOUT THE ORDERS OF THE PEOPLE, IS NOT CONSIDERED SACRED." You will easily recognise from the senate's actual decree, how severely and carefully they dealt with the issue.

According to Cicero, the attempt by Licinia to dedicate an altar, an *aedicula* and a *pulvinar* at a cult site of Bona Dea<sup>15</sup> failed in spectacular fashion. The decree of the pontifical college claimed that, in the absence of *public* approval for Licinia's dedications, any claim to their sacredness was void. Notably, the *pontifices* did not indicate in their ruling that Vestals were not permitted to dedicate objects,<sup>16</sup> but rather focussed their attention on the definition of

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<sup>14</sup> Cic. *Dom.* 136.

<sup>15</sup> Ov. *Fast.* 5.147-58, quoted below, identifies the Rock (*Saxum*) on the Palatine as related to the cult of Bona Dea.

<sup>16</sup> This can be construed as a tacit acknowledgement on the part of the *pontifices* that it was *ius* for Vestals to dedicate objects under the correct circumstances.

space. The dedications had occurred at a public location, without public consent, and could not therefore be considered *sacrum*.

So, the procedure for dedications made in public space required the approval of the people (*populi*). If any questions were raised about the dedications, as in this case, the matter was brought to the attention of the senate who then sought the advice of the *pontifices*.<sup>17</sup> Three points are important to our understanding of the situation: 1) Cicero makes it clear that the *pontifices* were able to adapt the laws for dedications (*sed ut revertar ad ius publicum dedicandi, quod ipsi pontifices semper non solum ad suas caerimonias sed etiam ad populi iussa adcommo- daverunt*). 2) Cicero mentions the case of Licinia in order to support his point that the *pontifices* of earlier times were capable of making severe decisions that reversed certain dedications.<sup>18</sup> 3) Cicero suggests that the decree of the *people* increasingly affected pontifical decisions regarding *public* dedications (*sed etiam ad populi iussa adcommo- daverunt*).

The underlying problem for the people (and *pontifices*) was Vestal initiative. Licinia had taken it upon herself to dedicate cultic objects without seeking appropriate permissions and was duly rebuked. Ovid provides information about the location of the *Saxum* where the dedications took place which reveals that Licinia's motivation(s) for acting independently may have had a reasonable basis:<sup>19</sup>

Augustus mensis mihi carminis huius 147

ius dabit: interea Diva canenda Bona est.

est moles nativa, loco res nomina fecit:

appellant Saxum; pars bona montis ea est. 150

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<sup>17</sup> On the authority of the *pontifices* over the senate in regard to sacral matters, see: THOMAS (2005) 119-40.

<sup>18</sup> This was of paramount importance to Cicero, since he desired the return of his house, which had been dedicated to Libertas by Clodius during his exile from Rome.

<sup>19</sup> FRAZER (1929) 4.16-7, also connected this passage from Ovid with the actions of Licinia in 123 BCE.

huic Remus institerat frustra, quo tempore fratri  
 prima Palatinae signa dedistis aves;  
 templa patres illic oculos exosa viriles  
 leniter adclivi constituere iugo.  
 dedicat haec veteris Clausorum nominis heres, 155  
 virgineo nullum corpore passa virum:  
 Livia restituit, ne non imitata maritum  
 esset et ex omni parte secuta †virum†.<sup>20</sup> 158

The month of August will make a just claim to this poem of mine: meanwhile Bona Dea must be sung about. There is a natural knoll; the fact has given its name to the place. They call it the Rock; it is a considerable part of the mount. Remus stood in vain on it at the time you Palatine birds gave the first signs to his brother. There, on a gently inclined ridge, the fathers founded a temple that abhors the eyes of men. It was dedicated by an heiress of the ancient name of the Clausi, whose virginal body had endured no man. Livia restored it, so that she might imitate her husband and follow him in every respect.

The location where Licinia dedicated the items was related to the cult of Bona Dea, who “abhor[red] the eyes of men”.<sup>21</sup> The Vestals were the natural choice to perform the dedications of the three cultic objects: first, on account of being women and priestesses, and therefore able to act on behalf of Bona Dea, and secondly, because they also played an active role in the annual Bona Dea celebrations held in December.<sup>22</sup> The strong ties between the Vestals and Bona Dea, as well as the exclusion of men from certain aspects of the cult, make it reasonable to suppose that the Vestals ought to perform the dedications. Nevertheless, it is

<sup>20</sup> Ov. *Fast.* 5.147-58. The interpretation of the final missing word at line 158 is generally assumed to be *virum* as per ALTON *et al* (1978) 118. This follows the interpretations proposed in the edition by PETER (1889) 221, and CORNALI (1931) 16.

<sup>21</sup> Ov. *Fast.* 5.153. Note that, BROUWER (1989) 258, and SCHULZ (2006) 5, 69, have drawn attention to the fact that the exclusion of men from some areas of the Bona Dea cult did not mean that the Good Goddess had no male worshippers.

<sup>22</sup> Cic. *Har. Resp.* 37.



unlikely that the strong connection between the Vestals and Bona Dea was enough to lead Licinia to assume that public (i.e. male) permission was not required for the dedications. Vestals were chosen young and were likely to have been in training for the first ten years of their service<sup>23</sup> – ignorance on Licinia's part as to the procedures required for dedications is not a satisfactory explanation for her actions.

The reference to Licinia's father Gaius in the judgement of the *pontifices* (LICINIA, GAI FILIA) provides another avenue for an interpretation that is family-centred and politically orientated. At first glance, the reference to Gaius Licinius is particularly striking because part of the process of becoming a Vestal entailed the release of the new priestess from the *potestas* of her family, which effectively severed the legal connection between a Vestal and her natal family.<sup>24</sup> Despite this, it is not wholly unexpected to have Licinia listed as the daughter of Gaius. It was Roman convention to identify people with reference to previous generations and later epigraphic evidence shows that there was a convention of also naming Vestals in relation to their families.<sup>25</sup> Referring to Licinia as the daughter of Gaius demonstrates again the *symbolic* nature of these priestesses' separation from their families.

The Vestal Licinia's father was most likely C. Licinius Crassus, the plebeian tribune of 145 BCE.<sup>26</sup> Cicero's reference to him in *Laelius de Amicitia* reveals that Licinia came from a family with a reputation for democratic interests:

Atque, ut ad me redeam, meministis, Q. Maxumo, fratre Scipionis, et L. Mancino  
consulibus quam popularis lex de sacerdotiis C. Licini Crassi videbatur! cooptatio

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<sup>23</sup> Vestals were chosen between six and ten years of age (Gell. *NA* 1.12.1); on Vestal training: see Dion. Hal. *Rom. Ant.* 2.67.2.

<sup>24</sup> Gell. *NA* 1.12.1-19.

<sup>25</sup> MEKACHER (2006) 199-209, provides a catalogue of imperial inscriptions related to Vestals and references to a Vestal's relations is not uncommon (of the fifty-four examples listed, fifteen list family relationships of some kind).

<sup>26</sup> G. Licinius Crassus the consul of 168 BCE was too old to have been Licinia's father. This interpretation is also supported by GRUEN (1968b) 128.

enim collegiorum ad populi beneficium transferebatur; atque is primus instituit in forum versus agere cum populo.<sup>27</sup>

But, to return to myself [i.e. Laelius], you remember, when Quintus Maximus, Scipio's brother, and Lucius Mancinus were consuls,<sup>28</sup> how much the people seemed to favour Gaius Licinius Crassus' law concerning priesthoods! That is to say, that the cooption of the colleges was to be transferred to the right of the people. Moreover, [Crassus] was the first man to begin facing towards the forum in addressing the people.<sup>29</sup>

Gaius Licinius Crassus is an obscure figure and the plebeian tribunate is the only position he is recorded to have held. His two recorded acts as tribune place the dedications to Bona Dea by his daughter Licinia in a different light. Although Gaius' proposal regarding the public election of priests was defeated, his change in stance away from the *comitium* suggested that he recognised the *people* as the foremost governing body of Rome. The reference to Gaius in the pontifical response to Licinia's dedications may suggest that they believed that her father had had some hand in the affair or that the *pontifices* wished to humiliate him by association on account of his politics.<sup>30</sup> Whether or not Gaius did have some influence in regard to Licinia's dedications is complicated by the tendency of our sources to explain the activity of women in reference to their male (and in Rome, normative) perspective. At the very least, Licinia must have been well aware that she was exposing herself to criticism from her priestly superiors by making the dedications without appropriate authorisation.

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<sup>27</sup> Cic. *Lael.* 96.

<sup>28</sup> 145 BCE.

<sup>29</sup> Turning to face away from the *comitium* is later attributed to Gaius Gracchus, note: Plut. *C. Gracch.* 5.3

<sup>30</sup> If Licinia's aim (and perhaps also that of her father's) was to demonstrate that the *people* ought to make the decisions regarding dedications, then it's likely that she (and her father) believed that the support for such a bold move was present in Rome in 123 BCE. Such an interpretation is supported by the acknowledged personal risk for Licinia took in making these dedications.

Another political slant, and much closer to the time period, would be to connect the Vestal Licinia's troubles with C. Gracchus, who was elected tribune of the people for 123 BCE. At this time, Gaius was married into the broader Licinian *gens*.<sup>31</sup> The connection between the Vestal Licinia and Gracchan politics, however, must remain tenuous. Licinia, the wife of C. Gracchus, and the Vestal come from different branches of the Licinian *gens*. While the Vestal Licinia's father is identified above as C. Licinius Crassus, the father of C. Gracchus' wife Licinia was P. Licinius Crassus Dives Mucianus, who was adopted into the Licinii.<sup>32</sup> The closest shared relation between the two Licinias was most likely to have been a great, great grandfather. Another complication arises because Cicero identified the *pontifex maximus* of 123 BCE as P. [Mucius] Scaevola.<sup>33</sup> Scaevola was not only the natural brother of P. Licinius Crassus Dives Mucianus, and thus shared a connection with the Licinii, but Scaevola is attested elsewhere as a Gracchan supporter, making it difficult to attribute his severe judgement upon the Vestal Licinia's dedications as connected to an anti-Gracchan position.<sup>34</sup>

It is worth considering the possibility that the reason for the dedications may have been personal in nature and concerned Licinia alone rather than her father, her *gens*, or the whole Vestal order.<sup>35</sup> Although the evidence does not provide strong clues to substantiate such a reading, the difficulty in finding a strong familial-political rationale for the dedications leaves open the possibility.

The example above explicitly credits a Vestal, and by implication the whole Vestal order, with taking the initiative on a religious issue.<sup>36</sup> The action of the Vestal Licinia demonstrates that she considered dedications to Bona Dea to be within her priestly purview. Licinia's

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<sup>31</sup> Plut. *C. Gracch.* 15.

<sup>32</sup> Cic. *De or.* 1.170, 1.240, *Brut.* 98.

<sup>33</sup> Cic. *Dom.* 136.

<sup>34</sup> Plut. *Ti. Gracch.* 9.1.

<sup>35</sup> Did Licinia dedicate to Bona Dea for her own chastity? Could it be that Licinia's chastity had been called in question as early as 123 BCE? If so, the scenario raises the question of why dedicate to Bona Dea, as opposed to Vesta, who would be a more appropriate goddess for a Vestal and had a history of proving Vestals innocent?

<sup>36</sup> The degree to which political concerns may have been associated with these dedications is unclear. The prominence of members of patrician and plebeian families, such as the *praetor* Sextus Iulius, the *pontifex maximus* Publius Scaevola, as well as the reference in Ovid to the Clausi's involvement in the original temple dedication to Bona Dea, followed by Licinia's dedications at the same location, certainly allow the possibility that broader political concerns were not absent in these proceedings.

failure to secure public approval, and ultimately pontifical sanction, for the dedications points strongly to the interpretation that Licinia acted without the consultation of either the Vestal order or the people. Whatever the motivation for the dedications, the consequences for Licinia were unfavourable. By refusing to acknowledge Licinia's dedications as sacred, the *pontifices* not only deemed her actions to have been the result of poor judgement, but also indirectly reinforced the idea of the Vestals' subordinate position to the pontifical college.<sup>37</sup>

**c. 69 BCE<sup>38</sup> *The Vestal Fonteia and her Brother M. Fonteius* (No. 8)**

In the case of the Vestal Fonteia, the situation was obviously political. M. Fonteius is believed to have faced trial under the *lex Cornelia de repetundis*,<sup>39</sup> and his sister, Fonteia, appeared in court. The value of Fonteia has not always been recognised in modern scholarship. Bauman dismissed the subject: "nothing useful is known about Fonteia".<sup>40</sup> North examined Fonteia as a means of considering Cicero's rhetorical use of Vesta and Vestals, and concluded that his portrayal was "melodramatic", and in its imagery "improbable".<sup>41</sup> Such charges are perfectly credible in the case of Cicero, but leaving aside rhetorical ingenuity, I believe that there is more we can learn about Vestals from this example.

Cicero's portrayal of Fonteia is useful in furthering our understanding of *how* the Vestals conducted themselves during the Late Republic. Fonteia's involvement in the trial shows a Vestal in a setting which was overtly political. The separation between the personal and the political in Rome can be difficult to discern, encouraging the interpretation that the personal was always political; to what degree this was the case with Fonteia is not clear, but her appearance at a trial adds to our understanding of how the Vestals could become involved in

<sup>37</sup> Although it might be a step too far, it is tempting to view Licinia's death, on a charge of *incestum* in 114/113 BCE, as related somehow to the dedications to Bona Dea in 123 BCE, but this is a consideration for future study.

<sup>38</sup> The exact date of this speech is not certain, however, on the date of 69 BCE see: CRAWFORD (1984) 55 and n. 1.

<sup>39</sup> For an overview of the relative political situation surrounding this trial: CRAWFORD (1984) 55-7.

<sup>40</sup> BAUMAN (1992) 234, n. 7.

<sup>41</sup> NORTH (2000) 364, 366.

the politics of the Late Republic. Importantly, as noted earlier, a Vestal was not legally bound by parental *potestas*,<sup>42</sup> so it is possible that she attended the trial of her brother under her own impetus.

Cicero built his final defence of M. Fonteius on the foundation of his sister's affection, a sister who was also a Vestal:

Cui miserae quod praesidium, quod solacium reliquum est hoc amisso? Nam ceterae feminae<sup>43</sup> gignere ipsae sibi praesidia et habere domi fortunarum omnium socium participemque possunt; huic vero virgini quid est praeter fratrem quod aut iucundum aut carum esse possit? Nolite pati, iudices, aras deorum immortalium Vestaeque matris cotidianis virginis lamentationibus de vestro iudicio commoneri; prospicite ne ille ignis aeternus nocturnis Fonteiae laboribus vigiliisque servatus sacerdotis vestrae lacrimis exstinctus esse dicatur.<sup>44</sup>

What protection, what solace is left to this poor woman [Fonteia], if she loses him [Fonteius]? Other women can engender protection for themselves; or they can have at home a companion and someone to share in every fortune; but to this virgin, what is there besides her brother that could be dear or congenial? Do not allow it, jurors, that the altars of the immortal gods and Mother Vesta should be reminded of your judgement by the daily lamentations of their virgin; have a care lest it be said that the eternal fire watched over by Fonteia's nightly labours and vigils has been put out by the tears of your priestess.

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<sup>42</sup> Gell. *NA* 1.12.9.

<sup>43</sup> For a discussion of the Cicero's use of rhetoric in regard to *feminae*, and the connection between this and the Vestal Fonteia, note: SANTORO L'HOIR (1992) 36.

<sup>44</sup> Cic. *Font.* 47.

Cicero drew on the belief in the unique relationship that existed between siblings in order to bolster his case for M. Fonteius.<sup>45</sup> The identification of Fonteius' sister as a Vestal Virgin added extra potency to Cicero's defence by linking Fonteius' continued well-being to the well-being of the state (as embodied by his sister-Vestal); surely no one would wish the eternal flame to be extinguished on account of their condemnation of Fonteius? More importantly, by keeping Fonteia's care for her brother until the end of the speech, Cicero not only made a clear allusion to the significance of natal relations to Vestals, but also made the image of a distraught Vestal the climax of his defence. But Cicero's efforts to draw attention to the continuation of a strong familial tie between a Vestal and her brother would count for nothing unless it had the potential to elicit sympathy for M. Fonteius' cause; the effectiveness of Cicero's strategy relied upon its plausibility. The affection between siblings is rendered more poignant by the fact that Fonteia had no family beyond the natal one from which she was legally separated by virtue of being a Vestal.

We cannot be sure of the extent of Fonteia's involvement in the trial of her brother; whether she spoke formally in Fonteius' defence is not clear.<sup>46</sup> Her presence at the trial, however, cannot be doubted:

virgo Vestalis ... germanum fratrem complexa teneat vestramque, iudices, ac populi Romani fidem imploret<sup>47</sup>

the Vestal Virgin ... hugs the brother of her own blood close to herself, appealing to your protection, judges, and that of the Roman people.<sup>48</sup>

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<sup>45</sup> Cf. Hdt. 3.118-9; Soph. *Ant.* 905-12.

<sup>46</sup> On the ability of Vestals to speak in court, note: Tac. *Ann.* 2.34.4; for further discussion on this issue see: Chapter Five, pp 211-13.

<sup>47</sup> Cic. *Font.* 46.

<sup>48</sup> Also note NORTH (2000) 364: "there can be no doubt that the scenario he [Cicero] sketches – the embrace of Fonteius by Fonteia, the tears of both sister and brother – actually took place in the courtroom".

Fonteia's loyalty to her brother, her presence at his trial, and her distress at the possibility of his being found guilty, are all examples of her personal reactions. For Fonteia, her Vestal status appears to have been only circumstantial to the relationship she continued to share with her brother, since her reactions can be best judged as expressions of affection (even so, Cicero is clever to make use of it as part of his defence of Fonteius on account of the Vestals' special socio-religious standing). Fonteia's love for her brother emphasises that the legal separation between a Vestal and her family did not negate the relationship that a priestess shared with her natal family. The sibling loyalty Fonteia displayed towards M. Fonteius sits within a small sample of cases where Vestals displayed familial loyalty in a public setting, including: the Vestal Claudia's defence of her father's triumph,<sup>49</sup> and the Vestal Licinia's support for her cousin Murena's bid for the consulship;<sup>50</sup> and possibly also Popillia's protection of her cousin Caesar.<sup>51</sup>

Fonteia's support of her brother suggests that the Vestals' removal from their natal family was conceptual/legal rather than final, and that Vestals were not expected to surrender their natal relationships to the priesthood in every sense. Fonteia's open support of Fonteius suggests that it was widely accepted in Roman society that Vestals would maintain family ties after they had entered the college. In matters related to natal family, we can conclude that a Vestal's activities were not necessarily subordinated to the demands of the priesthood.

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<sup>49</sup> Cic. *Cael.* 34.

<sup>50</sup> Cic. *Mur.* 73. Licinia's support of Murena is discussed in more detail below.

<sup>51</sup> For a discussion of the Vestal Popillia, see: Appendix: The Vestals and Caesar in c. 82 BCE.

### **63 BCE The Vestal Licinia gives up her locus at the Games**

The Vestal Licinia reportedly gave her seat at the games to the consular candidate for 62, L. Licinius Murena.<sup>52</sup> Allocated seats at games were a privilege extended to Vestal Virgins that continued into the imperial period. Tacitus noted that Livia (Augusta) was granted the privilege of a seat with the Vestals,<sup>53</sup> and we can assume that these allocated seats offered some of the best views of the arena and therein lay their value. Cicero preserved the details:

nec, si virgo Vestalis, huius propinqua et necessaria, locum suum gladiatorium concessit huic, non et illa pie fecit et hic a culpa est remotus. Omnia haec sunt officia necessariorum, commoda tenuiorum, munia candidatorum.<sup>54</sup>

If a Vestal Virgin, a near and close relation of his [Murena], has given her space at the gladiatorial games to him, she acted piously and he is free from reproach. All such things are the obligations of relations, in the interest of the less important [friends], and the duties of candidates.

In late November to early December 63 BCE, Lucius Licinius Murena was on trial for *ambitus* (electoral corruption).<sup>55</sup> Given the point offered in Murena's defence above, it can be assumed that the prosecution had suggested that Licinia's offering of her space was evidence that Murena was guilty. Speaking last in Murena's defence, Cicero downplayed Licinia's offer of her place to her relative (probably a cousin) in his pursuit of the consulship. Cicero

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<sup>52</sup> This Licinia is likely to have been the same Vestal Licinia accused of *incestum* with Crassus in c. 73 BCE (see Chapter Two, pp 120-2), but is distinct from the Vestal Licinia discussed earlier in the chapter with reference to 123 BCE.

<sup>53</sup> Tac. *Ann.* 4.16.4. Livia was granted this privilege in 23 CE.

<sup>54</sup> Cic. *Mur.* 73. RAWSON (1987) 97 has noted that *locus*, often translated as 'seat' or 'chair' is better understood as 'space' on the basis of the exchange between Clodius and Cicero recorded in Cic. *Att.* 2.1.5.

<sup>55</sup> Murena had won the election to be consul in 62 BCE, but the suit of *ambitus* brought against him in late 63 BCE threatened prevent him from holding the office. Cicero's defence of Murena proved successful; Murena was consul in 62 BCE: Cic. *Flac.* 30; Dio 37 (index); Eutr. 6.16.



argued that such an act did not fit the definition of corruption,<sup>56</sup> although it was undoubtedly Murena's intention to offer or hire out the space in order to secure votes. The line of Cicero's defence that 'friends and relatives helping each other out is not corruption' was likely a response to the criticism that it was inappropriate (impious) for a Vestal, who had gained her seat at the gladiatorial games as a benefit of her chaste service, to allow that privilege to be used for familial-political gain. Moreover, given the general consensus that Murena was guilty of *ambitus*,<sup>57</sup> Cicero recasts Murena's activities into a defence by arguing that while the widespread (*volgo*) giving of gifts is corrupt, the offer of favours to certain individuals constitutes an obligation (*officium*).<sup>58</sup> To bring the discussion back to Licinia's role in all of this, although her behaviour was probably unusual, perhaps even unique, Cicero downplays the significance of her gesture.

The picture that emerges for the Vestal Licinia is one of the most detailed for any of the Vestals of the late Republic, given that it is reasonable to believe that this same Licinia was accused of *incestum* in c. 73 BCE (Table 1, n. 5), and also attended the *cena aditialis* for Lentulus in 70 BCE (Table 1, n. 7). Licinia's actions in 63 BCE reveal her as yet another example of a Vestal maintaining her familial connections and, on occasion, being willing to use the privilege of her position in support of her family. Although Murena may have coerced Licinia into giving him the seat, it is also possible that she reached this decision independently. This latter scenario is certainly how Cicero invites us to interpret the situation, though admittedly he had good reason for doing so, since he was advocating for the acquittal of Murena. Whatever the details surrounding Licinia's decision, her offer of her seat to Murena for his pursuit of the consulship suggests that, at this time, Vestals were expected to engage in independent action with a consideration for family.

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<sup>56</sup> Cic. *Mur.* 73, see discussion leading up to the mention of Licinia.

<sup>57</sup> For instance: Quint. 6.1.35; and more recently, MACKAY (2009) 237: "Cicero avoids directly addressing the accusation [against Murena], a procedure that always gives rise to the suspicion that the defendant was guilty". Also see STERN (2006) 212 n. 16, for an overview of some of the major lines of argument in regard to the guilt of Murena in light of the structure of the *pro Murena*.

<sup>58</sup> Cic. *Mur.* 73: *Num locum ad spectandum dare aut <ad> prandium invitare? Minime, sed volgo, passim. Quid est volgo? Universos.*

### **63 BCE The Vestals at the Bona Dea Rites in Cicero's Consulship (No. 9)**

The cult of Bona Dea excluded men from certain rites, which allowed the Vestals an opportunity to act as the highest religious authority at a state-endorsed sacrifice.<sup>59</sup> The Vestals' ritual authority at the Bona Dea rites held in December was witnessed by Rome's *matronae*. Importantly, these rituals were perceived by the Romans as integral to the *pax deorum*,<sup>60</sup> which contradicts the blanket observation made by Ortner that:

although women may have their sacred ceremonies, from which men are excluded, the male ceremonies are considered to be for the welfare of the group as a whole, while the women's ceremonies are specific to the welfare of women.<sup>61</sup>

Ortner's general point is contradicted by the evidence for how women operated in the religious context of Late Republican Rome. Schultz has recently provided substantial analysis of the archaeological and written evidence and, arguing for the importance of women's ritual duties in ancient Rome, reached the conclusion that:

In the Roman world, women were vital participants in the religious lives of their families and of their communities. This is true in both senses of 'vital': their role was both active and essential in a range of rites and cults that addressed both conventional feminine concerns and matters outside the traditionally feminine realm ... [Women] were essential participants in a wide range of rituals that had civic and political import

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<sup>59</sup> Cf. Cic. *Har. resp.* 37. It should be noted here that the December rites to Bona Dea were not the only public celebration of the cult. On the 1<sup>st</sup> of May the founding of her temple on the Aventine was celebrated (Ov. *Fast.* 5.147-58; Macrobian. *Sat.* 1.12.21; also see BROUWER (1989) 370-2).

<sup>60</sup> TATUM (1990) 204, notes that, at the Bona Dea rites of 63 BCE, "Clodius' sin ruptured the *pax deorum*".

<sup>61</sup> ORTNER (1978) 23-4. However, SCHULZ (2006) 51, n. 15 has collected epigraphic evidence that details dedications to Bona Dea from men, which suggests that although certain rites excluded men, she was by no means a deity solely for women. Gender boundaries were more fluid than some ancient sources lead us to believe; consider also the case put forward by DORCEY (1989) 143-55, for the participation of women in the cult of Silvanus.

in addition to observances that addressed matters of marriage, childbirth, and the continued well-being of loved ones.<sup>62</sup>

The events that followed the rites to Bona Dea in 63 BCE not only support Schultz's position, but also underscore the understanding that religion and politics were interrelated in Roman society.

**Dio:**

*καί τινα παρὰ τοῦ δαιμονίου χρηστὴν ἐλπίδα ἅμα τῇ ἔω λαβών, ὅτι ἱερῶν ἐν τῇ οἰκίᾳ αὐτοῦ ὑπὸ τῶν ἀειπαρθένων ὑπὲρ τοῦ δήμου ποιηθέντων τὸ πῦρ ἐπὶ μακρότατον παρὰ τὸ εἰκὸς ἦρθη, τὸν μὲν δῆμον τοῖς στρατηγοῖς ὀρκῶσαι ἐς τὸν κατάλογον, εἰ δὴ τις χρεία στρατιωτῶν γένοιτο, ἐκέλευσεν, αὐτὸς δὲ ἐν τούτῳ τὴν βουλὴν ἤθροισεν, καὶ σφας συνταράξας τε καὶ ἐκφοβήσας ἔπεισεν θάνατον τῶν συνειλημμένων καταγνῶναι.*<sup>63</sup>

At dawn he [Cicero] received some divine inspiration to hope for the best; for in the course of sacrifices conducted by the Vestals on behalf of the populace in his house, the fire, contrary to nature, shot up to a very great height. Accordingly, he ordered the praetors to administer the oath of enlistment to the populace, in case there should be any need of soldiers; meanwhile he himself convened the senate, and by exciting and terrifying the members, he persuaded them to condemn to death those who had been arrested.<sup>64</sup>

**Plutarch** provides additional details:

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<sup>62</sup> SCHULTZ (2006) 149, 152.

<sup>63</sup> Dio 37.35.4.

<sup>64</sup> Translation by CARY (1914) 157 (slightly modified).

Ταῦτα τοῦ Κικέρωνος διαποροῦντος, γίνεται τι ταῖς γυναιξὶ σημεῖον θυούσαις. ὁ γὰρ βωμός, ἤδη τοῦ πυρὸς κατακεκοιμῆσθαι δοκοῦντος, ἐκ τῆς τέφρας καὶ τῶν κατακεκαυμένων φλοιῶν φλόγα πολλὴν ἀνῆκε καὶ λαμπράν. ὑφ' ἧς αἱ μὲν ἄλλαι διεπτοήθησαν, αἱ δ' ἱεραὶ παρθένοι τὴν τοῦ Κικέρωνος γυναικα Τερεντίαν ἐκέλευσαν ἥ τάχος χωρεῖν πρὸς τὸν ἄνδρα καὶ κελεύειν, οἷς ἔγνωκεν ἐγχειρεῖν ὑπὲρ τῆς πατρίδος, ὥς μέγα πρὸς τε σωτηρίαν καὶ δόξαν αὐτῷ τῆς θεοῦ φῶς διδούσης.<sup>65</sup>

While Cicero was completely at a loss over these matters, a certain sign appeared to the women while they were sacrificing: for, when the fire seemed to have already gone out, the altar sent forth up from the ash and burnt up pieces of bark a great and brilliant flame. Some women were astonished by this, but the sacred virgins ordered Cicero's wife Terentia to go with speed to her husband and tell him to put in hand what he had determined for the sake of his country, since the goddess had given him a great light on his way to safety and reputation.<sup>66</sup>

According to the sources, the Bona Dea rites were conducted in Cicero's house during the year of his consulship and had a role to play in bringing the Catilinarian conspiracy to its political climax.<sup>67</sup> Drummond provides an overview of the difficulties associated with the evidence for the Bona Dea rites. He has noted that the event is only described in late sources (Plutarch and Dio), but that it seems likely that the information either derived from a lost work of Cicero or was the product of a pro-Ciceronian tradition.<sup>68</sup> Drummond further states that "whoever invented the Bona Dea portent clearly had in mind Clodius' sacrilege the following year", which effectively situates the portent outside the historical narrative for the

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<sup>65</sup> Plut. *Cic.* 20.1-2.

<sup>66</sup> Translation by MOLES (1988) 89 (slightly modified).

<sup>67</sup> For an overview of the evidence for this case: BROUWER (1989) 361-3.

<sup>68</sup> DRUMMOND (1995) 12-14.

Catilinarian conspiracy.<sup>69</sup> The ground for rejecting the historicity of the Bona Dea portent seems to lie in the belief that it was too convenient to be anything other than a fabrication. This view appears to be supported by the silence of the contemporary sources on the issue. In short, suspicion regarding the historicity of the portent is provoked by its convenient timing, since it appears to have provided additional strength to Cicero's argument for the execution of the conspirators without trial.<sup>70</sup> It is precisely the *convenience* of the portent, however, which means it should not be overlooked. There were obvious benefits for Cicero if there was a portent which supported his political position during the height of the conspiracy. Indeed it would have strengthened Cicero's case at the time, so even if the portent was manufactured it should not be entirely dismissed. There is also evidence that the accused conspirators employed religious signs to bolster their position, so it is reasonable that Cicero may have used the portent as a counter-measure.<sup>71</sup> Examining the evidence for the portent from the perspective of the Vestals suggests an alternative understanding of its importance.

The chronology of events during these critical days cannot be perfectly reconstructed, but according to Dyck, the conspirators at Rome confessed before the senate on the 3<sup>rd</sup> of December, prompting Cicero's *Third Catilinarian* later the same day.<sup>72</sup> The rites to Bona Dea were likely held on the same night,<sup>73</sup> and the portent incited Cicero to call a senate meeting at dawn following the rites. The speeches made in the course of this senate meeting on December 4 have not survived, but it is reasonable to assume that Cicero spoke first, on account of having called the meeting. Cicero must have viewed the senate meeting as an opportunity to buttress his position that action needed to be taken regarding the conspirators

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<sup>69</sup> DRUMMOND (1995) 13.

<sup>70</sup> Presumably senators began discussing the possible punishment of the conspirators once they were in custody (3<sup>rd</sup> of December), if not earlier. The formal debate that took place on the 5<sup>th</sup> of December also included the delivery of *in Catilinam* 4, where Cicero gives a detailed account of Caesar's position (Cic. *Cat.* 4.7-9); cf. Dio 37.36.1-2; for another account of Caesar's speech see Sall. *Cat.* 51.

<sup>71</sup> Cornelius Lentulus made reference to the Sibylline oracle that he was destined to be the third Cornelius to rule Rome: App. *BC* 2.1.4; Cic. *Cat.* 3.9; Plut. *Cic.* 17; Sall. *Cat.* 47.2.

<sup>72</sup> DYCK (2008) xvii.

<sup>73</sup> On the date of the Bona rites note: SCULLARD (1981) 199 (the 3<sup>rd</sup> of December), who appears to be following WARDE FOWLER (1899) 255-6 ("on the night between Dec. 3 and 4 ... but the date does not seem to have been a fixed one"); BROUWER (1989) 363: "the exact date of the celebration of this year is known, the night of 3-4 December".

in custody. It would also have been the appropriate time to strengthen his case with reference to the portent. The unusual behaviour of fire was widely recognised as a intimation of kingship,<sup>74</sup> and Cicero could have argued that the portent suggested 1) that Catiline aspired to *dominatio*, 2) that swift treatment of those arrested was warranted on account of the portent signalling kingship, and 3) that the conspirators had forfeited their right to trial by seeking to bring about the downfall of the Republic.<sup>75</sup> The transition from religious portent to political action is swift and the role of the Vestals was rapidly overshadowed by Cicero's pursuit of execution for the conspirators.

The role of the Vestals in this incident has not received much attention in modern scholarship, but it deserves some consideration. If we leave aside for a moment the prevailing view (i.e. that the portent was a late invention) and follow the possibility that the portent was reported at the time, some intriguing possibilities arise. One question that is raised by the evidence quoted above is: did the fire at the Bona Dea rites really exhibit unusual behaviour or was this a 'pre-arranged' portent 'manufactured' by Cicero (and/or Terentia)? It would not have been impossible to add some fuel or a compound, such as sulphur, to the fire to create the desired effect, leaving the Vestals innocent of any charge of complicity in the affair.<sup>76</sup>

If the sign was pre-arranged, there is little suggestion in the evidence that the Vestals disputed the fact that the fire had behaved unusually. Following the idea that the sign was pre-arranged, it is noteworthy that the Vestal Fabia was still likely to have been an active priestess in 63 BCE. Fabia had not only faced an accusation for *incestum* with Catiline in c.

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<sup>74</sup> For the behaviour of fire as a portent of kingship, note the case of Servius Tullius (Livy 1.39; Ov. *Fast.* 6.633-6); and the case of Iulus (Ver. *Aen.* 2.679-91); also note Lavinia (Ver. *Aen.* 7.71-80).

<sup>75</sup> This was certainly the case in his subsequent speech. In *In Catilinam*. 4.10, Cicero argued that the conspirators were enemies of the republic and, on that basis, could not truly be considered Roman citizens; as a consequence, their execution was not illegal and could be justified. For a discussion of the variety of scholarly opinions regarding the degree to which *In Catilinam* 4 reflected the speech that Cicero actually gave, note: CAPE (1995) 255-9.

<sup>76</sup> Sulphur and its properties were well understood in the ancient world, see discussion and references in FORBES (1993) 36.

73 BCE, but she was a relative of Terentia, Cicero's wife.<sup>77</sup> In a letter to Terentia written during his exile in 58 BCE, Cicero lamented that she had been dragged out of the *aedes Vestae*.<sup>78</sup> That Terentia sought sanctuary in the *aedes Vestae* makes sense if Fabia was still a Vestal at that time. These events allow for the possibility that Fabia was present at the Bona Dea rites in 63 BCE, and so there was at least one Vestal at the Bona Dea rites who had little cause to think favourably of Catiline, given her implication in an *incestum* trial with him. It is impossible to be sure whether these facts affected the course of events, but the possibility remains that there was at least one Vestal who may have been interested from a familial and personal perspective to be party to a plan to 'create' a sign, or may have been primed to interpret the sign the way Cicero wanted.

To return to the issue of the historicity of the Vestals' involvement in a portent at the Bona Dea rites during Cicero's consulship, even if the Vestals' involvement is considered a late addition, there is still some information that can be recovered concerning the priestesses. Dio's and Plutarch's accounts suggest that the Vestals were first of all involved in the conduct of certain sacrifices;<sup>79</sup> and secondly, that the Vestals had the capacity to provide interpretation of religious phenomena (αἱ δ' ἱεραὶ παρθένοι ... διδούσης).<sup>80</sup> Entertaining the possibility that the portent occurred allows an additional observation: that, if the signal was pre-arranged, the Vestals *as a collective* were unlikely to have been brought into such a plan, since their (honest) interpretation of the sign would persuade others to take it seriously. The connections of the Vestal Fabia, both negatively with Catiline, and positively with Cicero's family, leaves open the possibility that she alone of the Vestals was the most likely to have acted from familial/personal concerns. For our understanding of the Vestals' activities more generally, the second point is the most significant as it indicates that the Vestals were

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<sup>77</sup> Ascon. 91C (also see discussion of Fabia in Chapter Two, pp 117-120).

<sup>78</sup> Cic. *Fam.* 14.2.2.

<sup>79</sup> Dio 37.35.3 attributed the conduct of these sacrifices to the Vestals, while Plut. *Cic.* 19 credited the Vestals with overseeing the sacrifices performed by the *matronae*. In both cases, the Vestals were officiants at these sacrifices. This supports SCHULZ'S (2006) 149-52, assessment regarding the religious activity of Roman women.

<sup>80</sup> Plut. *Cic.* 20.2: it was the Vestals who advised Terentia to speak with Cicero, confirming their leadership in such matters at the Bona Dea rites.

invested with the authority to interpret such events as portents on certain occasions, even if this authority was limited to those rites where they were the only priesthood in attendance. Importantly, such an observation stands regardless of the historicity of the portent itself. The evidence suggests that the Vestals had the authority to interpret phenomena with a view to political implications, and to provide advice to politicians (regardless of whether they actually ever did).

### **VESTAL ACTIVITY DURING THE AUGUSTAN PRINCIPATE**

Table I clearly shows a distinct difference between the record of Vestal activity during the Late Republic and the Augustan period. Of the fifteen examples in Table I, eleven date to the Late Republic (nos. 1-11), three fall under the Triumviral period (nos. 12-14), and only one is extant for the Augustan Principate (no. 15). The spread of the evidence shows a sharp decline in the record once we enter the Principate, particularly since the single example is the placement of Augustus' will with the Vestals in 13 CE. The period covered by the Late Republic according to Table I is nearly a century (143-45 BCE), with eleven examples of Vestal activity, which provides an average of one instance every nine years. The Triumviral period measured approximately fourteen years (44-30 BCE) and this short period of time provides us with three examples (all of document custodianship, with an average of every 4.6 years). The most distinct difference can be seen in the Principate, which measured approximately forty years (c. 27 BCE – 14 CE); with only one example of Vestal activity recorded during this period, the Principate stands out from the preceding one hundred and fifty years for its much lower rate of recorded Vestal activity.

There are a number of contributing factors that need to be considered in order to account for the spread of the evidence in Table I. As noted at the opening of the chapter, the extent to which the preservation of the contemporary source material affects the record of Vestal



activity cannot be fully measured. The loss of Cicero after 43 BCE marks a decline in the survival of forensic oratory and the Vestals cannot be easily followed in the Roman legal system after his death. Livy's history is not well preserved beyond book 45, and although his history covered the history of Rome until c. 9 BCE, the pattern of the evidence recorded in the Livian *periochae* can only help us in regard to certain aspects of the Vestals' history, notably *incestum* cases. Appian's *Bellum Civile* does provide some evidence for Vestals, but there are also omissions.<sup>81</sup> In some examples we need to rely on the work of later writers, such as Tacitus, Suetonius, Plutarch, Dio, and Macrobius, and the inevitable caution that needs to attend these works given their distance from the events (see particularly nos. 4, 5, 7, 9, 11, 14, 15). Bearing in mind the difficulties with the preservation of the evidence, it is entirely possible that Table I is not a complete record of Vestal activity; however, I believe that the extent of the discrepancy between the relatively high levels of Vestal activity during the Late Republic and the Triumviral periods when set beside that of the Augustan period requires some explanation beyond that of the state of the evidence.

The pattern of the tabulated evidence where individual Vestals are identified (nos. 1, 2, 8, 10) suggests that the Vestals were more likely to demonstrate initiative during the Republic. However, it is not enough to argue that examples which focus on the actions of a single individual are in themselves representative of the Vestals' initiative alone. These examples which identify individual Vestal activity (nos. 1, 2, 8, 10) tend to lend themselves to politico-familial readings. This is likely a consequence of these examples being preserved through an elite Roman male source (each of these examples is preserved in Cicero); however, it also broadens our understanding of the political situation in the Late Republic. The political use of Vestals (regardless of whether the Vestal was a willing agent in the activity) in the Republic differs significantly from what can be found under Augustus. A politico-familial reading can be applied to each of the examples which records individual Vestal activity. Claudia interposed her body using the inviolability that came with being a Vestal in order to ensure

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<sup>81</sup> For omissions in Appian, consider the example in Chapter Four, pp 173-6, concerning Julius Caesar's will.

the triumph of her father – a clear case of utilising a family advantage (a daughter in the Vestal cult) to attain a political goal (no. 1). The politico-familial reading of Licinia's dedication of three cultic objects to Bona Dea is more nuanced but cannot be overlooked when the career of her father is taken into consideration (see discussion above, no. 2). Fonteia's appearance at the trial of her brother (no. 8) is a classic example of the political intermingled with the familial. While Fonteia's motive for appearing at the trial was likely familial concern and/or duty, Cicero was not above utilising her Vestal status in her brother's defence. When Licinia lent her *locus* at the games to Murena (no. 10), a reasonable explanation is that the familial relationship between the two was the basis for the favour. Politico-familial grounds may not have been the only influential factors in these cases, as is apparent in the close readings of these examples provided earlier in this chapter; nevertheless, such a reading suits the presentation of the evidence by Cicero.

From an examination of the pattern of the evidence for Vestal activity, it is fair to say that the performance of politics changed between the Late Republic and the Principate. Such a reading is unsurprising, and confirms what we already know about Rome's political shift towards empire; the balance between the oligarchic and meritocratic elements of the Republic gradually transformed into a system that was significantly more monarchic. What is interesting, in terms of how the Vestals were positioned within the politico-familial system of Rome, is that there are no documented cases where familial concerns seem to motivate their activity under Augustus. This says something about the political climate under Augustus. There are a number of possible explanations. It may have been the case that the Vestals were not motivated to become personally involved in things after 45 BCE – the year in which we find the last record of an *individual* Vestal involved in an extra-ritual activity.<sup>82</sup> It is also possible that the Vestals' male relatives were not encouraging them to engage in political activities (in itself a consequence of Augustan rule?). And it is further possible that the record of any such activities were lost or suppressed under the Augustan leadership. Even if

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<sup>82</sup> For a fuller discussion of Julius Caesar's will being left in the care of the *virgo Vestalis maxima*, see Chapter Four, pp 175-6, 199-200.

incomplete, the pattern of the evidence suggests that the elite political families reined in their more ambitious behaviour of the late second and early first centuries BCE; they curtailed their interest in testing the limits of the Republican system.

A transition from Vestal individualism in the Late Republic to Vestal collectivism in the Principate is supported by the pattern of the evidence. It may be read as a sign of the return to traditional values that was part of the Augustan idealism.<sup>83</sup> For the Principate, the ‘traditional’ values of Rome that were most valuable were those that pre-dated the innovative politics of the Late Republic. Under such circumstances, it is not beyond reason that it would be seen as political risky to use the Vestals in pursuit of politico-familial aims. There were also fewer political opportunities during the early Principate, a factor that may also be relevant here.

A corollary of sorts to Vestal individualism can be seen in the Late Republic with the increased participation of Roman citizen women in public affairs.<sup>84</sup> It is not an exact equivalent, however, as the Late Republic marked the beginning of a greater involvement of certain citizen women in the public sphere, whose activity increased as the Principate developed, whereas there was a distinct return to collectivism for the Vestals under the Augustus.<sup>85</sup>

The pattern of the evidence for Vestal activity during the Late Republic and the Augustan Principate reveals a distinct change over time. The record for the Vestals’ individual engagement in extra-ritual activity is strongest during the Late Republic. Through the lens of Vestal activity, the Late Republic can be seen as a period characterised by individual activity and a willingness on the part of elite families to test the limits of the Roman systems of governance. The transition into the Augustan Principate suggests that the Vestals shifted to

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<sup>83</sup> For one assessment of Augustus’ relationship with traditional values, consider: EDER (1990) 71-122.

<sup>84</sup> Consider the activities of Hortensia, Fulvia (discussed in Chapter Five, p 226-7).

<sup>85</sup> The increasing participation of certain citizen women in the public sphere as the Principate developed is most clear within Augustus’ family, consider the roles of Octavia, Livia, and Julia.

greater collective activity. There is no record of individual extra-ritual Vestal activity during the Principate, which stands as a significant change from the previous period. From 45 BCE onwards, the most significant Vestal activity outside of their ritual duties is their custodianship of documents, an activity which generally involved the entire college (nos. 12-15), and is more illustrative of a responsibility given to the Vestals rather than something that the Vestals necessarily took on voluntarily. This new pattern of behaviour is the subject of the next chapter.

## IV

# THE VESTAL VIRGINS' DOCUMENTS

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*The Vestals are attested as the custodians of a number of politically sensitive and personal documents during the Late Republic and the Augustan periods, between 45 BCE and 13 CE. This cluster of examples is significant, as it demonstrates the Vestals' increased participation in Roman politics during a very volatile period. In this chapter, I present the first detailed examination of the instances where documents were entrusted to the Vestal Virgins, and explore the degree to which this custodial role placed the Vestals at the centre of politics during this unstable period of Roman history.*

### WHY LEAVE A DOCUMENT WITH THE VESTALS?

There were practical reasons why the Vestals had considerable standing in matters relating to security. The *sacra* were reputed to include the eternal fire and the *palladium* from Troy. The antiquity of the *sacra* and the Vestals' role in protecting them was recognised in legends that extended from the Trojan War to the First Punic War.<sup>1</sup> The *sacra* were considered essential to the cult and they were correspondingly tied to the continued safety of Rome. The risk that Lucius Caecilius Metellus took in order to save the *sacra* of Vesta's cult during a fire in the 3<sup>rd</sup> century BCE, and the honours he reputedly received as a result, demonstrates the

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<sup>1</sup> Dion. Hal. *Rom. Ant.* 2.66; Ov. *Fast.* 1.527-8 (also see discussion in the Introduction, pp 4-5, 11-13, 18-20).

significance placed upon the *sacra* and their preservation.<sup>2</sup> According to Pliny, Metellus suffered blindness as a result of rescuing the *sacra*.<sup>3</sup> Despite the piety of his actions, Metellus' subsequent blindness can be construed as a sign of religious violation, and thus confirms the sanctity of the *sacra*.<sup>4</sup> The *sacra* were stored in the *penus*, the inner storeroom of the *aedes Vestae*.<sup>5</sup> It is reasonable to assume that documents placed in the care of the Vestals were also placed in the *penus*, where their security would be most assured.<sup>6</sup>

The proposal that documents committed to the custody of the Vestals were likely stored with the *sacra* is strengthened by the fact that the Romans understood some documents to be imbued with sacral characteristics. This is certainly the case for Roman wills which the Vestals are recorded to have held in custody. Meyer has clarified certain important details regarding those who witness and apply their seals to wills.<sup>7</sup> For the Republican period, Meyer has established that the role of one who applied his seal to a will was not the same as the role of a witness; a citizen who sealed a document confirmed his support for “the *fides* of the author-protagonist, as well as protecting the *tabula* against fraud and damage.”<sup>8</sup> The act of witnessing, as defined by Meyer, involved “carefully observing for flaws” in the process of document production.<sup>9</sup> Notwithstanding the careful distinction between these two roles, they became conflated very early on in the case of wills, as Meyer acknowledges:

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<sup>2</sup> Dion. Hal. *Rom. Ant.* 2.66.4; Ov. *Fast.* 6.437-54. According to Dionysius, Lucius Caecilius forced his way into the burning building and rescued the abandoned *sacra*. The honours he received for this were inscribed on his statue on the Capitol, though their nature is not detailed. Ovid focuses on the dramatics of the incident and does not provide details of the honours accorded to ‘Metellus’.

<sup>3</sup> Plin. *HN* 7.141.

<sup>4</sup> On blindness as a sign of divine displeasure, see Introduction, p 5, n 22.

<sup>5</sup> In regard to the significance of the *penus*, note WILDFANG (2006) 17-8: “The Vestals were in charge of Rome’s symbolic storeroom [the *penus*] and its contents and the proper fulfilment of this duty ensured the continued existence of Rome”.

<sup>6</sup> My position here is similar to that of WILDFANG (2006) 100: “[One] feature of their standard religious cult practices was the protection and care of Rome’s figurative *penus*. This religious duty is no doubt at the root of the priestesses’ care and protection of important documents”.

<sup>7</sup> MEYER (2004) esp. 158-163.

<sup>8</sup> MEYER (2004) 163. MEYER (2004) 159, elaborated that “witnessing and sealing were initially not the same function, and their uses have different histories. It was mostly formal acts that required independent citizen testes, ‘judges’ of correctness ... witnessing was an ancient privilege of citizenship”.

<sup>9</sup> MEYER (2004) 163.

The ways Romans used mancipatory wills<sup>10</sup> – to delay the distribution of property and to conceal the terms of that distribution – therefore extended a ceremonial formal act over time and put unnatural stress on the Republican concepts of witnessing and sealing. The high degree of *fides* desirable in will-witnesses, who were specifically asked by the testator to provide testimony but who did not (traditionally, or at least initially) seal, and the clear importance of the *signatores*, who protected the *tabulae* against unauthorized additions, might also have prompted the two roles to amalgamate in this type of document...<sup>11</sup>

This focus on the necessity of *fides* for wills informs the view that wills were sacred documents. Cicero intimated that *fides* was the cornerstone of any *mandatum*, ‘trust’:

In privatis rebus si qui rem mandatam non modo malitiosius gessisset sui quaestus aut commodi causa, verum etiam neglegentius, eum maiores summum admisisse dedecus existimabant ... Ergo idcirco turpis haec culpa est, quod duas res sanctissimas violat, amicitiam et fidem.<sup>12</sup>

In private matters, if anyone carried out a trust, not only rather maliciously for the sake of personal profit or advantage, but also with certain neglect, our ancestors thought him to have committed the greatest disgrace ... Therefore this is a disgraceful fault for the reason that he violates two most sacred things, friendship and *fides*.<sup>13</sup>

The regard in which *fides* was held by Cicero provides a reason to believe that certain documents to which *fides* was integral, such as wills, were sacred in some way. Because of

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<sup>10</sup> A mancipatory will is known in the Latin as a *testamentum per aes et libram*. For details on the processes involved with mancipatory wills, see: Gai. *Inst.* 2.104. For further discussion of the form of Roman wills, see: WATSON (1971) 8-21.

<sup>11</sup> MEYER (2004) 164.

<sup>12</sup> Cic. *Rosc. Am.* 111-12.

<sup>13</sup> DYCK (2010) 171, draws attention to the description of *fides* as *sancta* in Catul. 76.3: *nec sanctam violasse fidem*...

the sacred characteristics of wills due to *fides*, it seems reasonable to assume that (politically important) wills held by the Vestals were stored in the *penus* along with the *sacra*, and also places these in the same space as the eternal flame of Rome. The flame was in the perpetual guardianship of the Vestals, so any documents stored in the *penus* of the *aedes* would be likewise under constant watch.

In addition to wills, the Vestals are also recorded as holding treaties in the period under consideration (see below). The sacral character of these documents may also be pertinent to their being placed in the custody of a priestly college. The religious aspect of treaties is well-established.<sup>14</sup> Livy 8.11.15-16 provided details of a treaty committed to a tablet and displayed in the temple of Castor in 340 BCE,<sup>15</sup> while Polybius 3.26 claims that treaties between Rome and the Carthaginians around the early 3<sup>rd</sup> century BCE were kept in the treasury of the *aediles* next to the temple of Jupiter Capitolinus. The intimate connection between treaties, oaths, and sacrifices supports the idea that the Vestals could hold treaties by virtue of their sacral functions.

A further consideration which made the Vestals an appropriate choice for the custodianship of documents involves the restrictions placed on the entrance to the *aedes Vestae*, where the documents were most likely held.<sup>16</sup> Despite the centrality of the *aedes Vestae* in the *forum Romanum*, the restriction of access to the building granted a degree of privacy as well as a sense of security.<sup>17</sup> In 42 BCE the security of the cult was further reinforced by the issuing of a *lictor* to each priestess.<sup>18</sup> *Lictors* were not necessarily permitted inside private buildings and

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<sup>14</sup> The *fetiales* are recorded conducting the appropriate sacrifices and oaths regarding treaties in Livy 1.24, 1.32.5-14; Dion. Hal. *Rom. Ant.* 2.72, 6.95, makes reference to the sacrifices and oaths although he does not name the *fetiales* in connection with these acts; also see: 15.9. For a discussion of the significance of the *fetiales* in the Middle-Late Republic: WIEDEMANN (1986) 478-90.

<sup>15</sup> OAKLEY (1997-2005) 2.515.

<sup>16</sup> Dion. Hal. *Rom. Ant.* 2.67.1-2 states that access to the *aedes* was acceptable during the day, but heavy restrictions on entrance were maintained at night. App. *BC* 1.6.54 suggests that men were not allowed in the *aedes Vestae* or other buildings associated with the Vestals. It is notable that *matronae* were granted access to the *aedes Vestae* at particular times of the year, for ritual purposes, see Chapter One, pp 59-60.

<sup>17</sup> Dion. Hal. *Rom. Ant.* 2.66.

<sup>18</sup> Dio 47.19.4.



were known to wait outside for the individual in their charge.<sup>19</sup> The *lictors* assigned to Vestals would have been ritually constrained from entering the *aedes Vestae*, ensuring that after 42 BCE it was the norm for at least one *lictor* to be present outside the *aedes Vestae* at all times. As a consequence, the *lictor* stood as a barrier between the Roman citizenry and the documents stored within the *aedes*.

Another important consideration is the symbolic similarities that the Vestals' prized *castitas* shared with the documents committed to their care.<sup>20</sup> The *castitas* and religious purity that the cult embodied provided an assurance against tampering. Just as the Vestal cult represented the intact female, items placed in their care could be expected to remain equally inviolate. The Vestals were custodians of their personal virginity and *castitas*, and by extension these qualities were bound up with the safety of the Roman state. So, in theory, the Vestal as custodian provided a symbolic guarantee against violation and acted as a bastion against fraud. From this perspective, these priestesses were not only a reasonable choice to act as document custodians, but also the *best* choice given their experience with guarding themselves (and hence the state) against corruption.<sup>21</sup> This mirrored the purpose of the seals that adorned wills; the *fides* of these seals vouched for the un-tampered contents of the documents.<sup>22</sup> The inference is reinforced by the use of *signata* 'sealed, undefiled' as a reference to virginity:

SIGNATAM virginem vetustas voluit dicere. Lucilius lib. XXIX: ... primam Chrysi cum negat signatam reddere.<sup>23</sup>

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<sup>19</sup> Cf. App. *BC* 5.8.76 where *σημείων* has been considered to indicate *lictors* waiting outside the private residence of Antony (WHITE (1913) 509).

<sup>20</sup> The details of the Vestals' *castitas* have been examined in Chapter Two of this thesis.

<sup>21</sup> An interesting parallel in the case of final testaments may be observed when the seals of wills are read alongside the Vestals' virginity. As a virgin, a Vestal's hymen was manifest proof of her physical condition, representing her intact and inviolate state.

<sup>22</sup> MEYER (2004) 168.

<sup>23</sup> Nonius 251L (with quote from Lucilius, the Republican satirist). For a discussion of the Lucilius passage, see: MARX (1904-5) 296-7.

By ‘sealed’, antiquity wished to express the idea of virgin. Lucilius 29: ... ‘at first he refused to return Chryses’ daughter sealed’.

The Lucilius fragment draws attention to the fact that just as *signata* (sealed, undefiled) could be used to describe a virgin, the negative construction could be a reference to a non-virgin. The use of *signata* as a indicator of sexual status can be compared with the use of the term *signatores*, ‘witnesses’, but literally ‘sealers’, to describe those who applied their seals to wills. Being ‘sealed’ was the desired state for both wills and virgins, and this highlights the appropriateness in selecting the Vestals, Rome’s pre-eminent virgins, to guard wills. Furthermore, the lexical parallel leaves open the possibility that the intact nature of the Vestals symbolically reinforced and strengthened the seals of documents in their care.

The significance of the Vestals’ virginity is reinforced by the Roman belief that sexual abstinence increased religious purity.<sup>24</sup> According to this criterion, the Vestals’ perpetual sexual abstinence demonstrable in their virginity perhaps marked them above other priests. In social terms such heightened cultic purity constituted moral authority. Who better to handle the care of sensitive documents in times of instability than the foremost purveyors of moral authority?

## **DOCUMENTS HELD IN VESTAL CUSTODY**

During the Late Republic we begin to have recorded examples of documents given into the custody of the Vestals. It is impossible to know if these examples constitute the totality of the Vestals’ custodial role, but the record draws particular attention to instances between 45 BCE

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<sup>24</sup> The elegists confirm that Roman women were known to abstain from sexual intercourse in the lead up to religious festivals. Ov. *Am.* 3.10 discusses this phenomenon in regards to the festival for Ceres; the inclusion of *matronae* in these rites would not be out of place. Cf. Prop. 2.33A which examines sexual abstinence in regards to the cult of Isis; it is less likely that this cult, being Egyptian in derivation, would have concerned *matronae*, however, it does indicate the widespread nature of such abstinence rituals. Also see Chapter One, p 63, n 82.

and 13 CE. This cluster of examples of politically sensitive documents – often wills – requires explanation. While we do not know when the Vestals began to operate as document custodians, their prominence in the record during the triumviral period suggests that the incident involving Caesar’s will had, at the very least, drawn the Romans’ attention to the priestesses’ capacity in this area. The pattern of evidence reinforces the impression that the Vestals were increasingly associated with politically prominent individuals and political activity in general during this period. I suggest that the example of Julius Caesar’s will set a precedent for utilising the Vestals for the custodianship of politically sensitive documents.<sup>25</sup>

### THE WILL OF JULIUS CAESAR 45 BCE

According to Suetonius *Julius* 83.1, Julius Caesar wrote his (last) will on the Ides of September 45 BCE (the 13<sup>th</sup>) and entrusted it to the *virgo Vestalis maxima*, the nominal head of the Vestal Virgin order. Exactly six months later Caesar was dead. Caesar’s father-in-law, Lucius Calpurnius Piso, requested that the will be unsealed and read in Antony’s house. This was the first recorded instance of the Vestals’ involvement in will-keeping.<sup>26</sup>

Postulante ergo Lucio Pisone socero testamentum eius aperitur recitaturque in Antoni domo, quod Idibus Septembribus proximis in Lavicano suo fecerat demandaveratque virgini Vestali maximae.<sup>27</sup>

Therefore with Lucius Piso, his father-in-law so demanding, the testament was opened and read out in Antony’s house, which he [Caesar] had made on the most

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<sup>25</sup> Also consider CROOK (1989) 222: “Julius Caesar invented the idea of leaving his will with them [i.e. the Vestals]”.

<sup>26</sup> Fronto *Ep. M. Caesar* 1.6.5 indicates that, in times earlier than his own, wills were kept in the *aedes* of gods. Vesta is not singled out in this statement, but Fronto’s statement nevertheless suggests that the scenario was thought to have been possible by the Romans.

<sup>27</sup> Suet. *Iul.* 83.1.

recent Ides of September at his place near Lavicum and entrusted to the care of the most senior Vestal Virgin.

It can be inferred from this passage that Caesar's will was handed over by the senior Vestal to Lucius Piso at his request. Although Appian in his account of the same event does not mention the *virgo Vestalis maxima*, this need not call her role into question when the relevant portion of the text is read alongside Suetonius:

Λεύκιον δὲ Πείσωνα, ὅτῳ τὰς διαθήκας ὁ Καῖσαρ παρετίθετο, τοῦτον ἤδη τὸν τρόπον τῆς βουλῆς διαλελυμένης τινὲς περιστάντες παρεκάλουν μήτε τὰς διαθήκας προφέρειν μήτε θάπτειν τὸ σῶμα φανερώς, μή τι νεώτερον ἕτερον ἐκ τούτων γένοιτο. καὶ οὐ πειθόμενον ἠπείλουν ἐσαγγέλλειν, ὅτι τὸν δῆμον οὐσίαν τηλικαύτην ἀφαιροῖτο γιγνομένην κοινήν, αὐτοὶς ἄρα ἐνσημαινόμενοι τὴν τυραννίδα.<sup>28</sup>

In this way the senate dispersed; some senators gathered round Lucius Piso, whom Caesar had furnished with his will, and demanded that he neither publish the will, nor publicly honour the body with funeral rites, lest some new danger occur from either of these. And when he would not agree to submit, they threatened to prosecute him on the grounds that he was depriving the people of so great a sum becoming the public's common property; they implied then a return to tyranny.

Appian framed the threatening of Piso as relevant to the decision to make the contents of the will public, while Suetonius focussed on results rather than motivations.<sup>29</sup> Appian's silence regarding the role of the *virgo Vestalis maxima* does not negate Suetonius' claim that she

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<sup>28</sup> App. *BC* 2.18.135.

<sup>29</sup> App. *BC* 2.18.135-19.136 frames Piso as having been intimidated by these senators. The later request for public disclosure of the will is attributed to a senatorial consensus at the end of App. *BC* 2.19.136. Suet. *Iul.* 83 treats the public reading of the will as being at Piso's request; no hint of coercion besmirches this narrative.

acted as custodian of Caesar's will; rather, it indicates that the focus of Appian's narrative was primarily concerned with the interplay between Piso and a senatorial faction.<sup>30</sup> As the will devolved to Piso in both accounts, it seems likely that Appian simply omitted mention of the Vestal's custodianship as not relevant to his particular focus. The role of the *virgo Vestalis maxima* in Suetonius' account does not alter the course of the broader narrative - the will of Caesar was made public - and this may also explain her absence from Appian's account.<sup>31</sup>

Concern and curiosity regarding the contents of Caesar's will had been piqued in part by his approach to his will during the course of his career. In addition to naming the *virgo Vestalis maxima* as the custodian of Caesar's last will, Suetonius also notes that, from his first consulship until the beginning of the civil war, it had been Caesar's usual practice to name Pompey his heir and to read this passage from the will to the soldiers.<sup>32</sup> The silence of Caesar on this score after civil war broke out could not help but suggest (confirm) that Caesar no longer saw Pompey as his heir, which left open the question as to the identity of his new heir/s. Caesar's early politically-motivated openness in regard to his will, a document that was usually private until after the death of the testator, stands in contrast to the secrecy that surrounded the final version of his will.

Suetonius' emphasis upon the *virgo Vestalis maxima* as the custodian of Caesar's will is important, as it suggests that, despite the fact that the will was stored on communal Vestal

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<sup>30</sup> A modern analysis of Appian's relevance and value as a historical source as well as an overview of scholarship on Appian has been provided by BUCHER (2000) 411-58.

<sup>31</sup> Another possibility is that Caesar kept multiple copies of his will, in which case both Piso and the *virgo Vestalis maxima* could both act as custodians. CHAMPLIN (1991) 69, explored the phenomenon of urgent codicils, often attached to wills just prior to death. In the same work, Champlin expanded (without providing example) on the issue of copies of wills, "Preservation of the document itself was equally casual; that is, it was left up to the testator whether copies were made and where they were kept" p 76. In such a scenario, the will kept by the *maxima* must be considered the most authoritative copy, given that the document, by being in her care, can be assumed to have taken on a similar status to the *sacra* of Vesta.

<sup>32</sup> Suet. *Iul.* 83.1. Suetonius cites Quintus Tubero as his source for this information. The Caesarian example demonstrates that it was permissible for the *testator* to make the contents of a will public. This can be contrasted with Antony's will, discussed below, as it was certainly not permissible for a will to be made public by anyone other than the testator prior to the testator's death. This feature of wills has been examined by MEYER (2004) 41-2.

property, only the *maxima* was responsible for its care. It is reasonable to consider that the professional relationship between the *virgo Vestalis maxima* and Caesar, as *pontifex maximus*, was such that the entrustment of his will to her represented a specific recognition of her position as the *maxima*.<sup>33</sup> The identities of the Vestals serving in 45 BCE are not known, so it is impossible to say whether there were any familial relationships between Caesar and the *maxima*. Although the action was unprecedented, giving the will into the custody of the *virgo Vestalis maxima* was a prudent measure on Caesar's part, because, in the volatile political environment, the *maxima* could vouch for the fidelity of the document and she also had the means to keep it safe from fraud.<sup>34</sup>

#### THE TABLETS OF THE VETERANS 41 BCE

The next example where the Vestals are recorded as guardians of documents occurred in 41 BCE. In that year a body of Octavian's veteran soldiers were motivated to act as arbitrators after disagreements between Antony's faction and Octavian's:

καὶ μετὰ τοῦτο ἐς τὴν Ῥώμην ἐκείνοι πλήθει πολλῶ, ὥς καὶ τῷ δήμῳ τῇ τε βουλῇ  
κοινωσόμενοί τι, συνελθόντες τούτων μὲν οὐδὲν ἐφρόντισαν, ἀθροισθέντες δ' ἐς τὸ  
Καπιτώλιον τὰς τε συνθήκας, ἃς ὁ τε Ἀντώνιος καὶ ὁ Καῖσαρ ἐπεποίηντο,  
ἀναγνωσθῆναί σφισιν ἐκέλευσαν, καὶ ἐκείνας τε ἐπεκύρωσαν, καὶ περὶ ᾧ  
διεφέροντο ἑαυτοὺς δικαστὰς γενέσθαι ἐψηφίσαντο. καὶ ταῦτά τε ἐς δέλτους  
γράψαντες καὶ κατασημνήμενοι ταῖς ἀειπαρθένοισι φυλάττειν ἔδοσαν, καὶ τῷ μὲν

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<sup>33</sup> As far as can be discerned, Julius Caesar was the first *pontifex maximus* to entrust his will to any member of the Vestal college, suggesting that he set the precedent rather than subscribed to a pre-existing one.

<sup>34</sup> On the connection between Vestals and *fides* see pp 171-2 above.

Καίσαρι παρόντι, τοῖς δὲ ἑτέροις διὰ πρεσβείας, ἐς Γαβίους ἐν ῥητῇ τινι ἡμέρα πρὸς τὴν δίκην ἀπαντῆσαι προσέταξαν.<sup>35</sup>

After this the veterans assembled in great numbers in Rome, as if they intended to communicate something to the people and the senate; having assembled they did not consider any of these things, but gathered together on the Capitol. They ordered that the agreement made between Antony and Caesar [Octavian] be read aloud to them, and they ratified this, and they voted that they themselves become judges regarding the matters about which they were at odds. After having inscribed these things on tablets and sealed them, they gave them to the Vestals to guard, and they commanded that Caesar, who was present, and the others by means of an embassy, to meet for judgement at Gabii on a stated day.<sup>36</sup>

As the broader context makes clear, the ‘tablets’ thus deposited with the Vestal Virgins concerned land distribution, an issue of particular concern to the veterans at this time.<sup>37</sup> According to Dio, Octavian was floundering over his land distribution policies, a problem that was continually being exacerbated by the contrary aims of Antony’s brother, the consul Lucius Antonius, and the machinations of Antony’s wife Fulvia.<sup>38</sup> Land distribution was a long-standing issue for Rome during the Late Republic.<sup>39</sup> It was particularly sensitive at this time since it was likely that Octavian was still largely reliant upon Caesar’s veteran troops whom he had brought out of retirement.<sup>40</sup> The veterans’ demands at this time were such that,

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<sup>35</sup> Dio 48.12.1-2; cf. App. *BC* 5.3.21, who referred to the same incident in far more oblique terms.

<sup>36</sup> A detailed account of this conflict is provided by KEPPIE (1983) 58-69. SCOTT (1933) 26, notes that the meeting at Gabii never eventuated. On the location of Gabii as midway between Rome and Praeneste, and the possibility that an abortive meeting occurred: App. *BC* 5.3.23.

<sup>37</sup> Dio 48.8-10; App. *BC* 5.1.3 notes that Octavian willingly took on the responsibility for land distribution (also see: Suet. *Aug.* 13.3); more details concerning the difficulties with land distribution are provided at App. *BC* 5.2.12-15.

<sup>38</sup> Dio 48.8-10. On Octavian and land-distribution also see SYME (1939) 207-9.

<sup>39</sup> Studies on the issue of land distribution during the Late Republic include: GRUEN (1974) 387-404; BRUNT (1988) 240-80; DE LIGT (2007) 590-605.

<sup>40</sup> See discussion in BRUNT (1988) 269. Dio 48.9.1-3 also suggests that it was Caesar’s veterans who felt the most disaffected in this situation since they sought to have *all* their land restored to them.

Dio relates, Octavian's life was endangered as a consequence of the violence that erupted over the issue.<sup>41</sup> It appears that one strategy Octavian employed in an attempt to placate the troops was to suggest that the issue of land-distribution would be more likely resolved if reconciliation could be reached with Antony's faction.<sup>42</sup>

The direct involvement of the veterans in this imbroglio signified a dangerous development for the political *milieu* of the period. The veterans were asserting their willingness to act as arbitrators on an issue that directly concerned their own future.<sup>43</sup> It is unsurprising to find Dio relate that the Antonian reaction to Octavian's veterans' proposition was to ignore the summons to arbitration and, furthermore, to belittle it by referring to the group as 'the boot-wearing senate'.<sup>44</sup> The centrality of the Vestal Virgins in the highly contentious issue of land distribution and factional reconciliation is remarkable. The political ramifications were overt, and the Vestals were placed in a difficult position, since they were required to keep custody of a document that had particular political aims (for Octavian and for the veteran soldiers).

This case is the first where we can be sure that the Vestals were charged with document custodianship as a *collective*. Although it is impossible to be sure whether or not the veterans themselves comprehended the depth of symbolism in their action, it is prudent to retain an open mind to Octavian's possible influence on this score, since he was doubtless interested in drawing attention to his relationship with Caesar. The veterans themselves were originally Julius Caesar's men, co-opted by Octavian out of retirement; they were surely aware that Julius Caesar had placed his will in the trust of the *virgo Vestalis maxima*. The difference between the veterans' tablets and Julius Caesar's will, however, cannot be underestimated. Julius Caesar's will was political by implication, whereas the veterans' tablets were overtly

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<sup>41</sup> Dio 48.9.2. Dio's reference to violence here may the same incident related in more detail by App. *BC* 5.2.15 and Suet. *Aug.* 14, where Octavian was threatened by soldiers after an incident at the theatre.

<sup>42</sup> Dio 48.10.1-2.

<sup>43</sup> This may be contrasted with the veterans' involvement in prompting the reconciliation between Antony and Octavian in *circa* late July/early August of 44 BCE, see: SYME (1939) 118, and also SUMI (2005) 154-158.

<sup>44</sup> Dio 48.12.3: "βουλὴν ... τῶν στρατιωτικῶν ὑποδημάτων".



political.<sup>45</sup> Importantly, when the veterans placed the tablets with the Vestals, the ideology of protection associated with the cult was emphasised. The aims of the veterans (and Octavian) ultimately failed, but there is good reason for believing that their decision to deposit the tablets with the Vestal Virgins was carefully considered. The placement of such a document with the Vestals reads as a disingenuous attempt on the part of the veterans and perhaps Octavian to give it a spurious credibility that capitalised on the standing of the Vestals.

### THE TREATY OF MISENUM 39 BCE

In 39 BCE the Vestals were called upon to take care of the Treaty of Misenum between the triumvirs and Sextus Pompey. Dio and Appian provide accounts of the event.

**Dio:**

ταῦτα μὲν οὖν συνθέμενοι καὶ συγγραψάμενοι τὰ τε γραμματεῖα ταῖς ἱεραῖαις ταῖς ἀειπαρθένοις παρακατέθεντο, καὶ μετὰ τοῦτο δεξιάς τέ σφισιν ἔδοσαν καὶ ἐφίλησαν ἀλλήλους.<sup>46</sup>

After agreeing and writing down the treaty, they entrusted the documents to the eternally virginal priestesses, and they then exchanged pledges and signs of affection amongst each other.

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<sup>45</sup> The will of a *pontifex maximus* need not in itself have been a political matter. The fact that Julius Caesar held such an anomalous position in Rome and the implications his will held for the future direction of the *res publica*, lent the document political force. Conversely, the veterans' tablets were a call to arbitration, including a sealed copy of the agreements made between Octavian and Antony, and were inherently political.

<sup>46</sup> Dio 48.37.1.

**Appian:**

*Ἐς ταῦτα συνέβησαν καὶ ταῦτα συνεγράψαντο καὶ ἐσημήναντο καὶ ταῖς ἱεραῖς παρθένοις φυλάσσειν ἔπεμψαν ἐς Ῥώμην.<sup>47</sup>*

These were the terms they agreed upon; they wrote these down and the treaty was sealed and sent to Rome to be guarded by the virgin priestesses.

The Treaty of Misenum briefly held the tenuous fabric of the Mediterranean together and the documents pertaining to it were entrusted to the Vestals. Suddenly the most politically sensitive documents concerning the Roman world in and beyond the city walls were committed to the care of six virgin priestesses. These documents included not only the treaty provisions, but, more significantly, details of the individuals to be removed from the proscription lists.<sup>48</sup> These documents placed the Vestals in an exposed position at the centre of Roman politics. As the events of 38 BCE unfolded it became clear that the Vestals were unable to convert the latent power entailed by possessing the sensitive documents into a public voice concerning their availability or otherwise. Dio relates the pertinent details:

*ὁ οὖν Καῖσαρ μαθὼν τοῦτο τά τε γραμματεῖα τὰ τῆς συμβάσεως ἀνείλετο παρὰ τῶν ἀειπαρθένων, καὶ τὸν Ἀντώνιον τὸν τε Λέπιδον μετεπέμψατο.<sup>49</sup>*

When Caesar learned of this [i.e. Sextus Pompey's raids on Italy], he took the documents containing the treaty from the Vestal Virgins, and sent for Antony and Lepidus.<sup>50</sup>

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<sup>47</sup> App. BC 5.8.73.

<sup>48</sup> App. BC 5.8.72; Vell. Pat. 2.77.

<sup>49</sup> Dio 48.46.2.

<sup>50</sup> Cf. App. BC 5.9.77-9. Appian's discussion of the break-down of the treaty does not include any further mention of the Vestal Virgins.

As Octavian was one of the signatories to the treaty, it is understandable that he would have had the capacity to recall the document from the Vestals' custody. The small role played by the Vestals quickly ended and nothing more is heard about them as the rivalry between the triumvirs and Sextus Pompey overshadowed the rest of 38 BCE. As in the scenario with the veteran's tablets in 41 BCE, the Treaty of Misenum was nonetheless an overtly political document.

This is the first extant account of a treaty being placed in the care of the Vestals, but it is not unexpected to find the Vestals in the role of guardians of a treaty. As discussed earlier in the chapter, the intimate connection between treaties, oaths, and sacrifices supports the idea that the Vestals could hold treaties by virtue of their sacral functions.<sup>51</sup> Although it might be supposed that the Vestals would have been just as likely as other priesthoods to be called upon to hold treaties, in fact they were an attractive choice for politically sensitive documents because, unlike their male priestly counterparts, their gender prevented them from holding magistracies. The choice of the Vestals in this case can be reasonably related to the fact that, of all the priesthoods, they offered the least possibility of a conflict of interest (whereas the other priesthoods were populated by politically active men); and furthermore, by 39 BCE, the Vestals were publicly recognised as able custodians of sensitive documents.

Sextus Pompey's influential political position in 39 BCE highlights the pivotal role played by the Vestals.<sup>52</sup> Sextus' naval blockade of Italy had created the conditions that had forced the triumvirs to negotiate a peace, and the terms of the treaty weighed heavily in favour of Sextus.<sup>53</sup> The conditions of the treaty were indicative of the success of Sextus' blockade and, as Powell had noted, "the treaty involved great loss of face for the Caesarian leaders".<sup>54</sup> Arguably the most sensitive aspect of the treaty was the fact that Sextus Pompey argued for, and was granted, the inclusion of amnesty to all the proscribed who had sought refuge with

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<sup>51</sup> See pp 167-72 above.

<sup>52</sup> For a discussion of Sextus' political position between 42 and 39 BCE, see: WELCH (2002) 31-63.

<sup>53</sup> App. *BC* 5.8.72.

<sup>54</sup> POWELL (2002) 114

him.<sup>55</sup> The inclusion of a list of individuals to be removed from the proscription lists placed the Vestals in a pivotal position, singling them out as the pre-eminent group for the security of the politically important documents.<sup>56</sup>

As in previous cases, the Vestals were considered capable of ensuring the security of the document and, furthermore, of ensuring that the documents were not tampered with whilst in their custody. This second factor is the constant that runs through all the examples studied so far; placement of documents into the Vestals' custody seems to have implied the continuing integrity of the document, i.e. implied the presence of *fides*. This was particularly important in the case of the treaty since the any alteration to the list of those granted amnesty could have profound consequences.

### **THE WILL OF MARCUS ANTONIUS 32 BCE**

In early 32 BCE Lucius Munatius Plancus and his nephew Marcus Titius witnessed Antony's will and applied their seals to it, but subsequently defected to Octavian. They then disclosed the location of the will to Octavian and were therefore instrumental in his success in turning the political tide against Antony. Plutarch *Antony* 58.4-5 and Dio 50.3 provide different versions of the events, the key difference being that Plutarch mentions the Vestals as the custodians of the will and Dio does not. These sources will be examined chronologically and their differences discussed. Scholars have generally followed Plutarch and agreed that the Vestals were the custodians of Antony's will.<sup>57</sup> In my examination of the evidence, I intend to explain *why* this assumption is valid. I argue that Plutarch's identification of the Vestals as

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<sup>55</sup> Vell. Pat. 2.77

<sup>56</sup> There is no indication that the Vestals had any input into the extent of their role in these affairs. The possibility that the Vestals would have been willing to hold the treaty because it represented an opportunity for ensuring the greater safety of Rome is outweighed by the likelihood that they had little option in the matter.

<sup>57</sup> CROOK (1957) 36-7; JOHNSON (Diss., 1976) 112-3, (1978) 494-5; SIRIANNI (1984) 237, although note misattribution of the Vestals as custodians to Dio.

the keepers of Antony's will is more plausible than the scenario proposed by Dio, who credits a nameless man as the custodian of the will.

### *Plutarch's Account of Marcius Antonius' Will*

Τίτιος δὲ καὶ Πλάγκος, Ἀντωνίου φίλοι τῶν ὑπατικῶν, ὑπὸ Κλεοπάτρας προπηλακιζόμενοι – πλείστα γὰρ ἠναντιώθησαν αὐτῇ περὶ τοῦ συστρατεύειν –, ἀποδράντες ὥχοντο πρὸς Καίσαρα καὶ περὶ τῶν Ἀντωνίου διαθηκῶν ἐγίνοντο μηνυταί, τὰ γεγραμμένα συνειδότες. ἀπέκειντο δ' αὖται παρὰ ταῖς Ἑστιάσι παρθένοισι, καὶ Καίσαρος αἰτοῦντος οὐκ ἔδωκαν· εἰ δὲ βούλοιτο λαμβάνειν, ἐλθεῖν αὐτὸν ἐκέλευον.<sup>58</sup>

But Titius and Plancus, friends of Antony and men of consular rank, being insulted by Cleopatra (for they had been most opposed to her sharing the expedition) ran away to Caesar, and produced information about Antony's will, being apprised of what was written there. This will was stored with the Vestal Virgins, and when Caesar asked for it, they would not give it to him; but if he wished to seize it, they told him to come.

Antony's will was the second example of a high-profile *testamentum* entrusted to the Vestals' care, and it is likely that an association was drawn between his will and that of Julius Caesar's by the Romans.<sup>59</sup> While Octavian promoted his familial connection with Caesar, Antony painted himself as Caesar's true political heir by, amongst other things, placing his

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<sup>58</sup> Plut. *Ant.* 58.4-5

<sup>59</sup> This premise operates on the assumption that the *virgo Vestalis maxima*, who Suetonius claims held Julius Caesar's will, can signify the broader cult of Vesta. Parallels between Julius Caesar and Antony had been drawn from at least late 44 BCE. Cicero made an unsavoury connection in *Phil.* 2.117: *cum illo ego te dominandi cupiditate conferre possum, ceteris vero rebus nullo modo comparandus es*. "I am able to compare you [Antony] with him [Caesar] in your desire to rule, but as for the remaining things you are nothing to compare [to him]." Cicero's inference that Antony's politics embodied only the most distasteful of Caesar's may be tempered by the view put forth by RAMSEY (1994) 130, that Antony was pushed by Octavian to fight for supremacy within the Caesarian faction. Antony's claim to be the political heir of Caesar continues to be recognised, see: LEVICK (2009) 210-1.

will with the Vestals. In effect, it emphasised Antony's loyalty to Rome and her institutions, which had been brought into question by Octavian's insinuation that Antony had abandoned his Roman heritage.<sup>60</sup> Placing his will in the care of the Vestals gave Antony a means of counteracting such claims. By virtue of Roman law, Antony's will was an assertion of his citizenship.<sup>61</sup> The fact that his will was in the Vestals' care revealed it to be under the protection of those priestesses who represented the safety of the state and ostensibly placed the document under the same protection that the *sacra* enjoyed.

Plutarch's account is the only example from the late Republican and Augustan periods where the Vestals reputedly surrendered a document in their custody to someone other than the legitimate claimant. Since Octavian cannot be construed as a legitimate claimant of the will, the Vestals' initial refusal to hand it over operates on a number of levels.<sup>62</sup> First of all, the Vestals' rejection of Octavian's demand for Antony's will appears to be an effort to protect the document, exposing his desire to view it as illegitimate. The Vestals intimate, however, that, while they will not give Octavian the will, they are aware they cannot prevent him from taking it. The overarching implication is that, although the Vestals were custodians, they

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<sup>60</sup> Part of Octavian's offensive against Antony was the suggestion that Antony's Eastern inclinations were evidence that he had abandoned any claim to Romanness. Relations between Antony and Octavian were marked by periods of tension. Cic. *Phil.* 13.24 notes that Antony accused Octavian of owing everything to his name. Dio 49.41 records a failed attempt by Octavian to expose some of Antony's celebrations in Alexandria to the censure of the senators. App. *BC* 4.6.38, 4.6.45 refers to the claim that Antony was *hostis*, but this most likely came after Antony's will had been read out. Suet. *Aug.* 17.1 notes that part of Octavian's strategy in reading out Antony's will was to expose his un-citizen-like conduct. That the ill-will and hostile propaganda went both ways has been explored by: SCOTT (1929) 133-41; CHARLESWORTH (1933) 172-7; SCOTT (1933) 7-49; GEIGER (1980) 112-4. Mention is made in a number of sources that some of Antony's letters survived Octavian's eventual success (Ov. *Pont.* 1.23, Suet. *Aug.* 69-70.1). While the details of the majority of such letters are not known, Tacitus and Suetonius suggest that they represented Octavian unfavourably (Tac. *Ann.* 4.34.5, Suet. *Aug.* 7.1). In addition, Tac. *Ann.* 4.34.5 casts doubt of the authenticity of the letters.

<sup>61</sup> Only a Roman citizen had the legal capacity to write a valid will and only Roman citizens could be covered by Roman private law. SCHULZ (1951) 77: "Romans living in an Eastern province might of course draft contracts and wills according to Hellenistic usage, but such documents would be considered by a Roman court according to Roman law, and if parties had contravened cogent Roman rules the court would regard the document as void." Cf. the argument regarding the validity of Antony's will if he listed Cleopatra and his children with her as heirs, with consideration to their relative legal status: CROOK (1957) 36-7. On an essential level the question of Antony's citizenship was unassailable, as it was impossible for non-Romans to become senators and to be elected into official positions. If 32 BCE was a murky year for Antony in terms of his official position, it was no less so for Octavian, and this situation could not undermine the fact that Antony, by law, was a Roman, if not expressing the level of Romanness that Octavian deemed adequate.

<sup>62</sup> Dio 50.3.1-2. Just prior to the defection of Titius and Plancus, Antony had renounced Octavia as his wife; this severed any familial connection Octavian might have appealed to for legitimatising his claim to view Antony's will.

recognised that there were limits to their custodianship. The Vestals were forced by Octavian's demand to act, but why did they believe that they could not prevent Octavian from obtaining the will?

The possibility that the Vestals could not refuse Octavian's request because of his position as a *pontifex* only holds if it is accepted that it was legal for the pontifical college to remove items from the custodianship of the Vestals. By 32 BCE, Octavian had been a *pontifex* for almost fifteen years.<sup>63</sup> It is well-documented that the *pontifex maximus* was closely connected with the Vestals;<sup>64</sup> from this, it can be reasonably assumed that all the *pontifices* had a degree of influence over them.<sup>65</sup> Consequently, despite recognising the illegitimacy of Octavian's claim to see Antony's will, it nonetheless seems theoretically feasible that the Vestals understood that they could not realistically prevent him from retrieving it because of his pontifical authority.<sup>66</sup> There are a number of factors, however, that stand in the way of any such interpretation. The first problem is Antony. It seems naive to suppose that Antony would

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<sup>63</sup> In October 47 BCE Octavian was enrolled among the *pontifices* (Nic. Dam. 8-9).

<sup>64</sup> Gell. *NA* 1.12; cf. WILDFANG (2006) 47, who examined the role of the *pontifex maximus* in the selection of Vestals: "The *Pontifex maximus*' absolute authority in this process [selecting Vestal candidates] can be taken as yet further evidence of the Romans' overwhelming concern with ensuring that there was no uncertainty about the *postestas* under which a Vestal candidate belonged." A much more general account is given by SEVERY (2003) 100: "Among his many duties, the chief priest oversaw the Vestal priestesses and the state cult of Vesta".

<sup>65</sup> The claim that the whole pontifical college had (some) authority over the Vestals is supported by Dion. Hal. *Rom. Ant.* 3.67.3, which indicates that the collective of *pontifices*, not only the *pontifex maximus*, were capable of carrying out disciplinary action against the Vestals.

<sup>66</sup> Antony's connection with the *pontifex maximus* deserves closer examination. Lepidus' 'election' as *pontifex maximus* can be attributed to Antony during the early chaos following Caesar's assassination (Dio 44.53.6-7). Octavian's feelings on the subject of Lepidus' rise to the position of *pontifex maximus* are clear in *RG* 10. Despite the precarious situation that Lepidus was in by 32 BCE, he owed his life to Antony, since it was only on account of his being *pontifex maximus* that he continued to live even if in exile. Although these circumstances might suggest that Lepidus would take any opportunity to influence the Vestals in regards to the custodianship of Antony's will, it is worth noting that BADIAN (1991) 14-5, argued that Lepidus was unlikely to view either Antony or Octavian very favourably in light of his situation. Lepidus' influence as *pontifex maximus* was also compromised by his exile, while Octavian had been a *pontifex* for almost fifteen years (Nic. Dam. 8-9). WEIGEL (1992) 97-8, suggested that despite a lack of source tradition for Lepidus performing as *pontifex maximus* when Augustus has him brought to Rome, the possibility cannot be ruled out. Weigel's position is based upon Dio 54.15.4-7, who detailed that Augustus had Lepidus brought into senate meetings in order to embarrass him. Such a situation may have been plausible for 18 BCE, the year for which Dio provides this information; however, it is highly speculative to assume that such an arrangement was routine as early as 32 BCE, as Octavian [not yet Augustus] was not in such a comfortable political position to allow such histrionic cruelty. It is more plausible to assume that the *pontifices* remaining in Rome acted in place of the exiled *pontifex maximus* (on the possibility of the *pontifices* acting in place of the *pontifex maximus* see: Dion. Hal. *Rom. Ant.* 3.67.3), and that Lepidus possessed neither the ability nor the willingness to influence the Vestals in regard to the custodianship of Antony's will. In the absence of Lepidus, Octavian's dominance over the other *pontifices* is assured. On this point note: SCHEID (1978) 632-6, where Octavian's control over the election of *pontifices* after 40 BCE has been examined.

leave his will in the care of the one college where Octavian might have legal access to it. Either Antony severely underestimated Octavian, or there was something else at work.<sup>67</sup> As a *pontifex*, the Vestals could not prevent Octavian from entering any of the sacred areas associated with the cult that might have held the documents safe from other citizens.<sup>68</sup> It is worth considering under what authority the Vestals held the will safe – the only real option is by religious sanction; that once in their care, the will became an object protected by inviolability and assumed a similar status to the *sacra*. If documents left in the care of the Vestals assumed a standing akin to the *sacra* then Octavian's seizure of Antony's will constituted a religious profanity.<sup>69</sup> Such an interpretation is further supported by the sacral character of wills and treaties.<sup>70</sup>

Given that the seals on a will recognised the *fides* of citizen witnesses in physical form, Octavian's breaking of those seals was not only a breach of trust, but also represented a religious violation. Viewed from such an angle, Octavian's position as a *pontifex* is revealed as tangential to the events that unfolded in 32 BCE. If the will became *sacrum* through the application of *fides*, then regardless of Octavian's position, the unsanctioned violation of that *fides* constituted sacrilege, if not indeed a crime.<sup>71</sup> As a consequence, an explanation for why

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<sup>67</sup> Dio 50.20.7 recorded Antony's outrage at Octavian obtaining his will in his speech before Actium. Although speeches are a generic feature of Greek historical writing, the detail of Antony's criticism is very specific, so it cannot be overlooked, and Antony's emotional response is also plausible.

<sup>68</sup> On the restriction upon men entering the *aedes Vestae*, see: App. *BC* 1.6.54. According to tradition, the *pontifex maximus* is only recorded handling the *sacra* in times of emergency, and even then it is questionable whether such an act was permissible, as there were severe repercussions. The classic example is that of the *pontifex maximus* Metellus, who saved the *sacra* when the *aedes Vestae* caught fire in c. 241 BCE, but not without the loss of his sight (Cic. *Scaur.* 48; Dion. Hal. *Rom. Ant.* 2.66.3-4). See also discussion of Metellus and the *sacra* in the Introduction, p 5.

<sup>69</sup> That some kind of profanity had occurred through Octavian's actions is also supported by JOHNSON (Diss., University of California 1976) 112, (1978) 494-5.

<sup>70</sup> See earlier discussion on the *fides* of wills, pp 167-170.

<sup>71</sup> The sacred nature of a will may be compared with other objects that found their way into the Vestals' care. Plut. *Ant.* 21 noted that, at some stage after the proscriptions had been implemented, the *triumvirs* learned that the Vestal Virgins acted as bankers to citizens and foreigners. The *triumvirs*' response to this information was to seize the deposits held by the priestesses. Plutarch's implied condemnation of the *triumvirs* for this action is demonstrated by his presentation of this detail in the course of his discussion of how the Triumvirate nefariously raised funds and re-distributed Roman wealth. The implications of the Vestals' role as a bank were not explored by Plutarch, so it is not immediately apparent whether or not these deposits also assumed the status of *sacra* by virtue of being in the care of the Vestals. If they did, then the crimes committed against the Vestal cult are more numerous than otherwise thought; however, this would also have set a precedent that Antony could not have failed to understand: he would have known that his will would not be safe in the care of the Vestals. On this



the Vestals relinquished Antony's will to Octavian cannot be reasonably found in the close religio-sacral or legal association between the pontifical college and the Vestals.

The possibility remains that the Vestals' intimation that Octavian could take the will from them was an acknowledgement that they did not have the power to resist coercion if he used it. In this respect, Octavian's role as a *pontifex* is not the only position he held that is worth consideration. By 32 BCE he had acquired an extraordinary share of personal *auctoritas*, his *imperium* bolstered by his stint as *triumvir*.<sup>72</sup> Octavian's political capital could be rivalled only by Antony's. As the custodians of Antony's will, the Vestals were politically implicated, since they could be accused of colluding with Octavian if they simply relinquished the will to him. The Vestals' verbal resistance to Octavian's demand for the will therefore serves to distance them from the action proposed and to preserve their integrity as document custodians (and representatives of the safety of Rome).<sup>73</sup>

Another factor that needs to be considered is the senate's subsequent criticism of Octavian's action in seizing the will, Plutarch states:

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basis, it is more reasonable to assume that the monetary deposits held by the Vestals were not considered *sacra*. It follows from this line of thought that it was the sacred nature of a Roman will that drew comparison with the *sacra* in the *aedes Vestae*, not simply its lodgement with the Vestals.

<sup>72</sup> Arguments continue over whether Octavian and Antony actually held/used triumviral powers in 32 BCE; the more accepted position is that the triumviral powers ceased at the end of December 33 BCE leaving 32 BCE as some kind of limbo year, see: WARDLE (1995) 496-7. For an overview of the disparate positions on this issue, see: BENARIO (1975) 301-4. The crux of the matter is that, even if Octavian lacked triumviral power, he still possessed his provinces (and hence *imperium*) including Africa, Gaul, Sardinia, Sicily and Spain, so was by no means lacking in resources or clout. For a broad discussion of Octavian's probable legal position, including recognition of his *imperium* see: PELLING (1996) 48-54.

<sup>73</sup> Cf. WILDFANG (2006) 100: "[O]ur ancient sources imply that the Vestals' possession of the documents was ample evidence of these documents' legitimacy. This means that whatever the realities of the situation, and at least in the case of Antonius' will, we can suspect the Vestals of manipulating Roman public opinion by its timely release, the Vestals' possession of a document was enough to guarantee that document's authenticity to the ordinary Roman. Such a view underscores the Romans' widespread acceptance of the Vestals' neutrality in internecine struggles and simultaneously emphasizes the continuing importance of this Vestal role". While it is plausible that the Vestals were concerned with public opinion and wished it to be known that they disagreed with Octavian's desire to see the will (Wildfang's "manipulation"), the evidence suggests that Octavian's taking of the will was hardly a "timely release" of the document by the Vestals.

ἔλαβεν οὖν ἐλθών, καὶ πρῶτον μὲν αὐτὸς ἰδίᾳ τὰ γεγραμμένα διῆλθε, καὶ  
παρεσημήνατο τόπους τινὰς εὐκατηγορήτους, ἔπειτα τὴν βουλὴν ἀθροίσας  
ἀνεγίνωσκε, τῶν πλείστων ἀηδῶς ἔχόντων. ἀλλόκοτον γὰρ ἔδοξεν εἶναι καὶ  
δεινόν, εὐθύνας τινὰ διδόναι ζῶντα περὶ ᾧ ἐβουλήθη γενέσθαι μετὰ τὴν  
τελευτήν.<sup>74</sup>

So he went and seized it; and at first, he read through in private what was written there, marked down certain passages readily open to accusation; afterwards he gathered the senate and read it to them; most of them were displeased to have him do so. For they thought it a strange and dangerous thing to happen that any man should be called to account while alive for what he wished to have done after his death.

Plutarch's narrative voices a valid senatorial concern; what Octavian did with Antony's will in 32 BCE held implications for the privacy of all Roman citizens in regards to their final testaments. If the personal political desires of a single man could erode the traditional privacy of a testator, this incident set a dangerous precedent for all of Rome's elite. Once Octavian obtained and revealed the contents of Antony's will every other senator was also theoretically in danger of having the same indecency visited upon them.<sup>75</sup> A negative reaction from the senate was weighted with self-interest. Even if the question surrounding the Vestals' involvement is put to one side, at the heart of this scenario is a discourse upon the morality of reading the will of a citizen while he was still alive.

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<sup>74</sup> Plut. *Ant.* 58.6-7.

<sup>75</sup> The reading of will prior to the death of the testator was not unknown, but Gai. *Inst.* 2.181 suggests that it was not the normal situation. Examples indicate that, when this occurred, it was the testator's decision to do so and the testator himself who gave the reading. For instance, Julius Caesar read out early versions of his will to his troops (Suet. *Iul.* 83.1); Pompeius Reginus read his will in public (Val. Max. 7.8.4); and the literary character Trimalchio read his will to his household (Petron. *Sat.* 71-2). These examples are distinct from the case of Antony's will, which was read without his permission and by someone other than himself.

According to Plutarch *Antony* 58.6, the majority of the senate believed that Octavian was acting improperly in the early months of 32 BCE by expropriating and utilising Antony's will for his own purposes. This is underlined by such phrases as *τόπους τινὰς εὐκατηγόρητους* 'passages open to accusation; easy to blame', and by the observation that the senate reacted to his reading sections of the will 'with distaste', *ἀηδῶς*. The Vestals' refusal to surrender Antony's will to Octavian suggests that they too were aware of the transgression that his act represented, and the tension between his desire to possess Antony's will and the pragmatic Roman attitude towards the privacy of a will prior to the testator's death.<sup>76</sup> By forcing Octavian to engage in transgressive behaviour in order to obtain the will, the Vestals adeptly exploit this tension, while removing any doubt regarding their possible complicity. The will was sealed before it left Alexandria and it is safe to assume that the Vestals were unaware of its contents.<sup>77</sup> In addition the Vestals could not guarantee the veracity of the document's contents once they had relinquished it to Octavian.<sup>78</sup>

The attitude of the Vestals that emerges from Plutarch's account indicates a group sensitive to their position within an uncertain political climate. By holding Antony's will in trust, the Vestals became implicated in a sensitive political situation. Rejecting Octavian's demand for

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<sup>76</sup> The Roman attitude towards the privacy of a will prior to the testator's death is evidenced in the sealing of wills before witnesses and their attempt to prevent any fraudulent activity by placing the will in the care of a third party. Each of these points can be seen in the evidence already stated above. Further discussion of fraud in such cases may be found in CHAMPLIN (1991) esp. 82-102.

<sup>77</sup> This fact is inherent in both Plutarch and Dio's accounts; contra JOHNSON (Diss., University of California, 1976) 112-3. Johnson has argued that the Vestals would have been capable of exposing any complete or partial forgery of Antony's will, but in order to do so they needed to have been aware of the will's contents, and this seems highly unlikely given the amount of controversy surrounding the breaking of the seals. The same line of argument was followed in a later article by JOHNSON (1978) 494-503.

<sup>78</sup> This may be the chief reason why Antony had the will held with the Vestals. That the document read out by Octavian may have been a forgery is open to debate. SYME (1939) 282, suggested the possibility of forgery based on the will's 'opportune' contents; CROOK (1957) 36-8, has discussed how Cleopatra's relationship to Roman citizenship may be a factor in the debate. App. *BC* 5.14.144 provides a possible means by which a forgery could have been achieved, as Appian stated that Lucius Munatius Plancus had authority to seal documents in Antony's name when Antony was governor of Syria in 35 BCE. This scenario might have allowed Plancus to forge Antony's will prior to his defection to Octavian in 32 BCE. If the will was forged, and the Vestals accepted it, it must have been a good version to pass muster, and the witnesses also duped. JOHNSON (1978) 494-503, has argued for the authenticity of Antony's will, following a similar line to Syme but reaching the opposite conclusion. This position is supported by CHAMPLIN (1991) 10. In my discussion, I have assumed that the will given to the Vestals was authentic. A judgement on whether or not Octavian lied about the contents of the will is beyond the scope of this dissertation.

the will, even in a situation where they were incapable of preventing its seizure, allowed the Vestals to distance themselves from his politics and display support for traditional values, especially *fides*. In so doing the Vestals granted primacy to the pragmatic traditions of Rome (the *mos maiorum*) rather than complying with the demands of a single individual.<sup>79</sup>

### ***Dio's Account of Marcus Antonius' Will***

καί σφας ὁ Καῖσαρ ἀσμενέστατα δεξάμενος τά τε ἄλλα τὰ τοῦ Ἀντωνίου παρ' αὐτῶν πάντα, καὶ ἃ ἔπραττε καὶ ἃ ἐνενόει, καὶ τὰ ἐν ταῖς διαθήκαις αὐτοῦ γεγραμμένα τόν τε ἔχοντα αὐτὰς ἔμαθε· καὶ γὰρ σεσημασμένοι σφᾶς ἦσαν. κακ τούτου περιοργῆς ἔτι καὶ μᾶλλον γενόμενος οὐκ ὥκνησεν οὔτ' ἀναζητῆσαι αὐτὰς οὔτε λαβεῖν οὔτε ἔς τε τὸ βουλευτήριον καὶ μετὰ τοῦτο καὶ ἔς ἐκκλησίαν ἐσκομίσαι καὶ ἀναγνῶναι.<sup>80</sup>

Caesar [Octavian] very gladly received them [Titius and Plancus] and learnt from them all about Antony's affairs, what he was doing, what he intended to do, what was written in his will, and the identity of the man who had the will; for these two men had sealed it. After which he [Octavian] become still more enraged and did not hesitate to search for it or to seize it or to carry it into the senate and read it out loud there and subsequently to do likewise in the assembly.

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<sup>79</sup> These events could also be read as an expression of the Vestals' position on the legitimacy of Antony and the idea that Antony's position was thought to reflect republican ideals better than Octavian's. Knowing who the Vestals were at this stage would be useful in order to pursue this line further.

<sup>80</sup> Dio 50.3.3-4.

Dio's account agrees with Plutarch's on a number of factual points. Both name Titius and Plancus;<sup>81</sup> they agree that Octavian succeeded in obtaining Antony's will;<sup>82</sup> both demonstrate that Octavian manoeuvred effectively to gain access to Antony's will and that security measures were successfully breached. Inherent in both accounts is the assumption that there was only one copy of Antony's will available (at least in Rome). Some divergences between Dio's account and Plutarch's are also apparent. Dio provides details concisely and the action flows smoothly, while Plutarch's account is slowed by the obstruction of the Vestals.<sup>83</sup> The difference that interests us here is the identity of the custodian of Antony's will in Rome, as Dio and Plutarch propose different custodians – the Vestals in Plutarch and an unidentified male (τόν ἔχοντα) in Dio. Both cannot be correct. This difference is significant in light of the evidence already examined for the Vestals acting as the custodians of other wills. By identifying the custodian of Antony's will as a nameless man, Dio's narrative downplays the difficulty that, according to Plutarch, Octavian faced in obtaining the will. Only later does Dio allude to the illegality of Octavian's obtaining and reading of the will, and he does so in the context of a speech by Antony, which allows him to acknowledge the tradition hostile to Octavian on this issue and to implicitly suggest that it may have been Antonian propaganda.<sup>84</sup> By having the will kept by a *privatus*, Dio's narrative circumvents the obstruction created by the Vestals and leaves silence in its place; as Reinhold observed: "Dio's information about Antony's will is based on selective emphases".<sup>85</sup> In addition to this, irrespective of whether Antony's final testament was held by a group of priestesses or a *privatus*, the issue of a testator's right to privacy was important and the silence of Dio's account on this score might then be considered significant.

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<sup>81</sup> Presumably the magnitude of Titius' and Plancus' defection from Antony was enough to secure their lasting fame across a range of sources.

<sup>82</sup> This must be considered an indisputable fact as the events that subsequently unfold are dependent upon Caesar's success in turning the political tide against Antony in Rome.

<sup>83</sup> On this point, it is assumed by each narrative that Octavian gained possession of the *most* authentic document. At no stage in either narrative is there any concern raised that Octavian's revelation of the will's contents might be upstaged by the discovery of another version of the will.

<sup>84</sup> Dio 50.20.7.

<sup>85</sup> REINHOLD (1988) 90.

Octavian's public revelation of the 'contents' of Antony's will confirmed his 'win-at-all-costs' approach to triumviral politics. While Dio and Plutarch disagree on the means by which Octavian attained the will, they do agree that the document came into Octavian's possession. Dio's consideration of the senatorial mood and the senatorial reaction to events in early 32 BCE, however, represents a further deviation from Plutarch's account. As noted above, Plutarch *Antony* 58.3-4 emphasised the senate's disapproval of Octavian seizing a private document, sealed against prying eyes, held in the custody of the Vestals, and intended to express the author's wishes after his death. Placing the emphasis somewhat differently, Dio intimates that the senate had fractured over the issue of Antony's supposed wrongdoing;<sup>86</sup> this physical sundering of the senate in early 32 BCE received more focus in Dio's account than their reaction to the supposed contents of Antony's will:

δι' οὖν ταῦτα ἀγανακτήσαντες ἐπίστευσαν ὅτι καὶ τᾶλλα τὰ θρυλούμενα ἀληθῆ εἶη, τοῦτ' ἔστιν ὅτι, ἂν κρατήσῃ, τήν τε πόλιν σφῶν τῇ [τε] Κλεοπάτρᾳ χαριεῖται καὶ τὸ κράτος ἐς τὴν Αἴγυπτον μεταθήσει. καὶ τοσαύτῃ γε ἐπὶ τούτοις ὀργῇ ἐχρήσαντο ὥστε πάντας, οὐχ ὅπως τοὺς διαφόρους αὐτῷ ἢ καὶ ἐκ μέσου ἀμφοῖν ὄντας, ἀλλὰ καὶ τοὺς πάνυ φίλους, δεινῶς αὐτὸν αἰτιάσασθαι· τοῖς τε γὰρ ἀναγνωσθεῖσιν ἐκπλαγέντες, καὶ πρὸς τὴν τοῦ Καίσαρος ὑποψίαν ἀνταγωνιζόμενοι, τὰ αὐτὰ τοῖς ἄλλοις ἔλεγον.<sup>87</sup>

This [the reported contents of Antony's will] caused the Romans in their vexation to believe that the rest of the rumours were true, that is that, if he won, Antony would give their city to Cleopatra and transfer power to Egypt. And people were roused to

<sup>86</sup> According to Dio. 50.2.6, the consuls for 32 BCE, Cn. Domitius Ahenobarbus and C. Sosius, left Rome secretly to join Antony, a sure signal of their concern over Octavian's criticism of them (Dio 50.2.3-5), if not also a sign of their fears for the state. This same passage also claimed that the consuls' departure from Rome prompted other senators to do the same. However, also note Dio 50.3.1, where the arrival of Titius and Plancus at Rome is interpreted as a counterweight to the senatorial defection to Antony. For a discussion of the traditional figure of senatorial defections from Octavian as numbering 300, and the caution this figure must be treated with see: HJORT LANGE (2009) 62.

<sup>87</sup> Dio 50.4.1-2.

such great anger at this, that all, not only those who disagreed with him or those who stood midway between the two, but even those who were thoroughly friendly to him, censured him terribly; for thunder-struck by what had been read out, and struggling against their suspicion of Caesar [Octavian], they said the same as the rest.

Notably, Dio does not include any discussion of a senatorial backlash over the public reading of a will prior to the testator's death. According to Dio, the senate was quick to favour Octavian; this might be explained by the fact that a significant portion of Antony's supporters had already left Rome.<sup>88</sup> The question that Plutarch proposed in his account, that an abuse of moral standards was central to understanding this pivotal moment in Octavian's ascendancy, is either absent or suppressed in Dio. The self-interest that would have been attached to a senatorial reaction to the public reading of a will, which has already been noted in Plutarch's account, is absent from Dio's account. That Dio took an apologist's approach to Augustus' rise to power has been noted by Gowing; such an approach necessarily affected the presentation of certain key events.<sup>89</sup> In such a scenario, Dio would not have wanted to deal with the morally reprehensible character and possible criminality of Octavian's actions. In order to steer the narrative away from such a discussion, Dio presented the reaction of the senate as unanimous in its condemnation of Antony. Admitting the Vestals' opposition to handing over the will would have proven problematic to Dio's narrative trajectory, forcing a focus on the moral question as well as the symbolic violation of the Vestal order that the act represented, since the seizing of a will that was in their care was tantamount to a violation of the *sacra*. As a consequence, the questions that the senate were forced to ask about Octavian in Plutarch's account are obfuscated in Dio's version.

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<sup>88</sup> See n 86 above.

<sup>89</sup> GOWING (1992) 35: "[Dio's] perception of Augustus did not always permit belief that Octavian could have done anything deserving of reproach ... In Dio's view, history tended inexorably to the conclusion that Octavian would become sole ruler; all else is subordinated to that premise. Study of the period was useful only insofar as it demonstrated the need for monarchy and for a monarch like Augustus". If one of Dio's aims was to advise the Severans on how to be emperor, glossing over criminal acts was all to the good, note: SWAN (2004) 13-17, in particular: "What prompted Dio to reach back to Augustus was surely his disappointment at seeing the Antonine age of gold descend into misrule, civil war, and social distemper, and his recognition that a fresh vision was needed." p 15; GOWING (1992) 292-4, viewed Dio's primary audience as Rome's senatorial class, especially those members with a Greek or Eastern background.

## *An Assessment of Plutarch and Dio*

In Plutarch's account, the Vestals constructed Octavian's actions as religious profanity, and as provoking a hostile reaction from the senate over the public reading of a will prior to a testator's death. Plutarch's account offers plausible criticism of Octavian, and the Vestals' presence in the narrative is unsurprising, since the evidence for the period between 45 BCE and 14 CE indicates that the Vestals were engaged in the custodianship of a number of documents, including wills. In contrast, Dio's account focused the action through a nameless man, who, as the custodian of Antony's will, submitted to a 'violently enraged' Octavian. Dio emphasises the case for the nameless man as custodian by suggesting that Octavian had to 'search for' the will (*ἀναζητέω*), an action that would have been unnecessary if the will was known to have been with the Vestals. The public sentiment noted by Dio was a reaction to the contents of the will, whereas in Plutarch, the senate reacted to the means by which the will had been obtained, and the force of their hostility was turned squarely upon Antony. Dio's later allusion, in a speech by Antony, to Octavian's criminality in expropriating his will has the effect of minimising any criticism of Octavian through the implication of it being Antonian propaganda.<sup>90</sup>

It is possible that the differences in Plutarch's and Dio's accounts reflect their reliance upon different source traditions: one pro-Octavianic, one pro-Antonian.<sup>91</sup> The existence of a divergent historical tradition has the effect of bringing the author to the forefront of any analysis. Arguments on this score must be speculative. Given the constraints placed upon any analysis of source tradition, authorial motivation provides a more solid foundation from which to study the differences in Dio's and Plutarch's account of Antony's will. Rich has

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<sup>90</sup> For further consideration of the political situation surrounding the events pertaining to Antony's will, see: Appendix: Politics and Antony's Will in 32 BCE.

<sup>91</sup> PELLING (1988) 26-31, discussed Plutarch's likely sources including Augustus' autobiography, Cic. *Phil.* 2, Asinius Pollio, and Q. Dellius; cf. the discussion of Dio's sources in SWAN (2004) 21-8. It is possible that Plutarch's representation of Octavian as desperate and forcibly seizing the will reflects or draws upon left-over Antonian propaganda. The absence of the Vestals from Dio's treatment and the consequent reading this entails gives rise to the possibility that Dio followed a pro-Augustan source for the events of 32 BCE.



argued that Dio's attitude towards Octavian was consistently positive and even accommodated the historian's negative judgements upon Octavian at various stages of his career.<sup>92</sup> Following this line, the reader of Dio 50.3, is invited to pass over Octavian's explosive temper and focus on the result: Octavian's success in turning the senate against Antony.<sup>93</sup> Even if this position is not wholly convincing, there is no question that Dio's version of the Antonian will fiasco is markedly simplified when compared with Plutarch's. It follows then that Dio's account is found wanting. It is difficult to credit that the senate would not have voiced *some* criticism regarding how the will had been obtained. The senate's concern regarding Octavian's proposal to open Antony's will prior to his death, which is reported in Plutarch, has a logical cogency tied to the fact that, if the Romans had been comfortable with the airing of wills prior to death, there would have been no need to have them sealed before witnesses and no need to place them in the care of a third party. Viewing the seizure of Antony's will as an act of religious profanity and, by implication, a symbolic violation of the Vestal cult, provides a stronger critique of Octavian's actions in 32 BCE than Dio's narrative allowed. From this perspective, Plutarch's version of events is more compelling; the Vestals highlight Octavian's questionable actions at this pivotal moment in his career.

The Vestals were at the centre of the controversy surrounding Antony's will. Octavian's treatment of the Vestal order in 32 BCE reveals that his political ambition outweighed any concerns he may have felt for the cult, or the consequences that such an action might have for the Vestals. While we cannot be certain that Octavian's actions were considered by the Romans to be a *symbolic* violation of the Vestals, we can assume that it would have been in Octavian's interest to suppress the record of any such attitude.

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<sup>92</sup> RICH (1990) 14: "In stressing his [i.e. Octavian's] duplicity, he [Dio] is not passing an adverse moral judgement, but writing as a realist, a disciple of Thucydides, and seeking to expose the gap between appearance and reality and lay bare the true springs of men's actions".

<sup>93</sup> According to Dio 50.2.6-7, the consuls left quite early in 32 BCE as a reaction against Octavian; they were joined by an unspecified number of senators.

## THE WILL OF AUGUSTUS 13 CE

Augustus completes an exceptional group of individuals who placed their final testaments with the Vestal Virgins between 45 BCE and 13 CE.<sup>94</sup> Tacitus, Dio, and Suetonius all agree that Augustus' will passed through the care of the Vestals, although the details differ.<sup>95</sup> By the time Tacitus and Suetonius were writing, the Vestals were firmly grounded in the narrative. There are nuances of difference in how the Vestals' involvement was represented, however, so it is worth examining the accounts in some detail. According to Tacitus, the Vestals acted as document couriers, delivering the will of Augustus to the senate:

Nihil primo senatus die agi passus est nisi de supremis Augusti, cuius testamentum inlatum per virgines Vestae Tiberium et Liviam heredes habuit.<sup>96</sup>

He [Tiberius] allowed nothing to be deliberated on the first day of the senate except the funeral rites of Augustus, whose will was carried in by the Vestal Virgins and stipulated Tiberius and Livia as heirs.

It is safe to assume that, if they performed the role of courier, this was because they were also the custodians of the will. It makes sense for the custodians of a will to also deliver it to the senate, as this would ensure the continuity of the document's security.<sup>97</sup> Suetonius offers more detail:

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<sup>94</sup> For a discussion of the contents of Augustus' will, see: HOHL (1937) 323-42; CHAMPLIN (1989) 154-65.

<sup>95</sup> Tac. *Ann.* 1.8, Dio 56.32.1a, Suet. *Aug.* 101.1. As a counterpoint to these sources, Vell. Pat. 2.123-4 was silent on the topic. Given the mention made by later authors to the Vestals, one might naturally expect them to be likewise mentioned after the death of Augustus by Velleius; however, his silence on the topic does not negate the fact that the Vestals were the custodians of Augustus' will, since he explicitly favours silence over any interpretation of the events.

<sup>96</sup> Tac. *Ann.* 1.8.

<sup>97</sup> This was surely one of the issues that the Vestals holding Antony's will faced when Caesar demanded it from them in 32 BCE, as the moment it left their care they could no longer vouch that the document remained intact and free from tampering.

Testamentum L. Planco C. Silio cons. III. Non. Apriles, ante annum et quattuor menses quam decederet, factum ab eo ac duobus codicibus partim ipsius partim libertorum Polybi et Hilarionis manu scriptum depositumque apud se virgines Vestales cum tribus signatis aequae voluminibus protulerunt. Quae omnia in senatu aperta atque recitata sunt.<sup>98</sup>

His will made by him in the consulship of Lucius Plancus and Gaius Silius on the 3<sup>rd</sup> day before the Nones of April [April 3<sup>rd</sup>, 13 CE], a year and four months before he died, written into two notebooks partly by his own hand and partly by that of his freedmen Polybius and Hilarion, and placed in safe keeping with the Vestal Virgins; they brought forth these along with three books sealed in a like manner.<sup>99</sup> All of these were opened in the senate and recited.

The Vestals were custodians of Augustus' will and it also seems that it was the Vestals who rendered the documents to the senate. Tacitus and Suetonius are thus in agreement. Dio, in a departure from his position in regard to Antony's will, was in this case willing to identify the Vestals as the custodians of a *testamentum*:

... τὰς διαθήκας αὐτοῦ ὁ Δροῦσας ἐκ τῶν ἀειπαρθένων τῶν τῆς Ἑστίας ἱερειῶν, αἷς παρετέθειντο, εἰληφὼς εἰς τὸ συνέδριον εἰσήνεγκε, καὶ τὰς σφραγίδας οἱ κατασημνημένοι ἐπεσκέψαντο, καὶ ἀνεγνώσθησαν ἐν ἐπηκόῳ τοῦ συνεδρίου.<sup>100</sup>

... Drusus received his [Augustus'] will from the perpetually virginal priests of Vesta, with whom it had been placed, and carried it into the senate, and those who had sealed the will reviewed the seals, and it was read in the hearing of the senate.

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<sup>98</sup> Suet. *Aug.* 101.1.

<sup>99</sup> On the contents of these three volumes, see: Suet. *Aug.* 101.4; cf. Dio 56.33.1. One of the volumes contained the document which was to become the *Res Gestae*.

<sup>100</sup> Dio 56.32.1a (Zonaras).

It is apparent from this passage that Dio followed a slightly different tradition from Tacitus and Suetonius. Drusus emerges as significant intermediary between the acknowledged custodians of the will, that is, the Vestals, and the senate. Importantly, each source favoured the argument that the Vestals were the custodians of Augustus' will.

The placement of Augustus' will with the Vestals was no doubt a highly symbolic act. Following the example of Julius Caesar, Augustus invited comparison with his deified father.<sup>101</sup> The choice of the Vestals, however, also suggested a connection with Antony. After the will fiasco of 32 BCE no other case of the Vestals in the role of document custodians is recorded until Augustus placed his will with them in 13 CE.<sup>102</sup> The high profile of the three individuals who are recorded to have placed their wills in the Vestals' care suggests that the practice was unusual and that each example ought to be therefore viewed as significant. This is particularly so in the case of Augustus, as it might be imagined that the Vestals were unlikely to have been considered a safe choice for custodianship due to Augustus' treatment of them in 32 BCE;<sup>103</sup> an attitude that is seemingly borne out by the above-noted absence from the record of any documents being placed in the Vestals' care between 32 BCE and 13 CE.

Despite the inevitable associations that the act of placing his will with the Vestals must have drawn with the events involving Antony's will in 32 BCE, Augustus clearly judged the Vestals to be appropriate custodians for his own will (and perhaps he was the only person who could really trust the Vestals on this score anyway given that it was *his* actions that had undermined the Vestals' reputation as document custodians). One conclusion that can be drawn from this position is that Augustus felt that the connection with Caesar's will was

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<sup>101</sup> CHAMPLIN (1989) 159, noted that clauses in Augustus' will reinforced the comparison with Julius Caesar's will; however, HOHL (1937) 334, questioned the significance of any pattern of will-custodian.

<sup>102</sup> HOHL (1937) 336, examined this issue from the perspective of Lepidus' role as *pontifex maximus* and has suggested that it was Lepidus who prevented Augustus placing his will with the Vestals earlier.

<sup>103</sup> The events of 32 BCE may also serve to further understand the changes that occurred to the Vestal cult under Augustus.

more valuable than the possibly negative one with Antony's. By the time Augustus placed his will with the Vestals, it is fair to say that Rome was politically unrecognisable. By 13 CE, Augustus was in a position where he could emphasise the connection to Caesar over the association with Antony inherent in relying upon the Vestals as document custodians.

## CONCLUSIONS

The examples of documents held by the Vestals can be assessed through the features that recommended the Vestal cult as competent for the task of custodianship. But the first example needs to be explained on its own terms. Why did Julius Caesar leave his will in the care of the *virgo Vestalis maxima*? While it is possible that this may have been an expression of a professional relationship between the *pontifex maximus* and the *maxima*, as suggested earlier, it is difficult to assert this as the whole explanation.<sup>104</sup> While taking into account the general reasons considered above, a more specific line of analysis yields compelling results. Throughout his career, Caesar had drawn attention to his ancestral relationship with Venus. According to Suetonius, Caesar had publicly declared that the ancestry of the Julii could be traced back to Venus as early as his quaestorship in 67 BCE.<sup>105</sup> This was further emphasised with the dedication and subsequent building of a temple to Venus Genetrix in the *forum Caesaris* in 46 BCE.<sup>106</sup> By the late Republican period, Venus' association with Aeneas, and Aeneas' association with the *sacra* kept in the temple of Vesta, were both well known, if not as cohesively presented as they would later be in Virgil's *Aeneid*.<sup>107</sup> There are grounds then

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<sup>104</sup> Caesar had been a *pontifex* since 73 BCE and *pontifex maximus* since 63 BCE; a close professional relationship is not out of the question.

<sup>105</sup> Suet. *Jul.* 6.

<sup>106</sup> App. *BC* 2.15.102.

<sup>107</sup> Aeneas as the son of Aphrodite (Venus): Homer *Iliad* 5.311-318. Aeneas' settlement in Italy after leaving Troy: Dion. Hal. *Rom. Ant.* 1.45. Dionysius here refers to prior accounts of these events that he felt were unsatisfactory. The association of Aeneas with the foundation of Rome is known from at least as early as Ennius: Servius *ad Aen.* 6.777.2-10. The *sacra* kept by the Vestals were reputed to include the Palladium, which Aeneas brought to Italy from Troy: Dion. Hal. *Rom. Ant.* 1.69.4 and 2.66.3-6; see esp. 2.66.5, where Dionysius referred to differing viewpoints on what the *sacra* included suggesting that a strong source tradition was already in existence by the time of his writing.

for Caesar to have viewed the *sacra* in the temple of Vesta as directly implicated with his ancestry. Leaving his will in the care of the *virgo Vestalis maxima* seems to be a natural option from this perspective, and the act further underscored the divine ancestry he had been at pains to publicise.

The placement of the veterans' treaty with the Vestals in 41 BCE seems to have owed something to the understanding that Caesar had left his will in the care of the *virgo Vestalis maxima* in 45 BCE. The influence of Octavian cannot be ruled out. Attempting to ascertain the motivations of the veterans in this case is complicated by the fact that this treaty was the result of a collective agreement and the identity of who placed the documents with the Vestals cannot be narrowed down. Importantly, this example reveals that the Vestals were viewed as able and competent custodians of documents. The choice of the Vestals here may be no more than a vote of confidence in their ability, as demonstrated in the case of Caesar's will, but the possibility remains that the choice of the Vestals was an attempt (on the part of the veterans? on the part of Octavian?) to give legitimacy to a tendentious and self-serving document.

39 BCE revealed that confidence in the Vestals' capacity as document custodians had developed. The Treaty of Misenum was a politically potent document, a fact enhanced by the inclusion therein of Sextus Pompey's list of men to be removed from the proscriptions. The charge of this document to the Vestals emphasises a continuing perception of the Vestals' competency. It also implicitly acknowledges that the Vestal order was recognised for their commitment to the safety of the Roman state. In some respects (such as Sextus' list), this treaty was more important for Sextus than it was for the *triumvirs*. It is possible that Sextus was behind its placement with the Vestals.

The incidents of 45, 41, and 39 BCE drew the Vestals directly into Rome's politics. In the wake of Julius Caesar's assassination, the Vestals were at the periphery of a political struggle

between pro- and anti-Caesarian factions. In 41 BCE, the ongoing rivalry between Octavian and Antony was closely associated with veteran activity; the decision to place sensitive documents in the care of the Vestals drew the priestesses into the political issue. The pressure Sextus placed on Italy and Rome which led to the Treaty of Misenum in 39 BCE saw the use of the Vestals as custodians of a political sensitive document which included names to be removed from proscription lists.

In regard to Antony's motivations in placing his will with the Vestals, the parallel with Caesar cannot be ignored, nor the consequences of Octavian's seizure of the will. The symbolic violation of the Vestal cult that occurred in 32 BCE overrode the protective ideals previously associated with the cult. The events of 32 BCE were a further sign of the changes already apparent in Octavian's relationship with the Vestals. In 35 BCE, Livia and Octavia were granted privileges redolent of the Vestals, drawing the priestly college into the orbit of Octavian's family.<sup>108</sup> The events of 32 BCE suggest that Octavian believed the sanctity of the Vestal college could be disregarded by an ambitious politician. In this example, political considerations clearly outweighed religious concerns from Octavian's perspective, but the action did have consequences. Although Octavian's ambitious gambit paid off when in 31 BCE, the violation of 32 BCE could be framed as an unfortunate act necessitated by the grave danger in which Antony had placed Rome's future, the Vestals did not come off so well. Their value as custodians of documents was damaged as a result of Octavian's seizure of Antony's will. It is also possible that Octavian's relationship with the Vestals dissuaded other Romans from seeking the priesthood out for custodial purposes. The result was that no other case of the Vestals in the role of document custodian is recorded until Octavian (as Augustus) placed his own will into their care in 13 CE. By this late stage of the Augustan period, the Vestal college had undergone a number of changes, with the result that they were even more strongly associated with Augustus' family than they were by 32 BCE.<sup>109</sup> By 13 CE, the political climate had settled from the uncertainty of the triumviral period and Augustus'

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<sup>108</sup> See Chapter Five, pp 222-31.

<sup>109</sup> See especially Chapter Five and Six *passim*.

position ensured the safety of his will more than any priestly college could, regardless of their previous claim to such a role. Augustus could also claim his ancestry through Julius Caesar as just explanation for placing his will with the Vestals. The competition with Antony had been won by Augustus; this success, in addition to his relationship with Julius Caesar could be lauded through the Vestals' custodianship of his will.



# V

## THE VESTAL VIRGINS, LIVIA, AND OCTAVIA

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*In this chapter, I examine how the Vestal Virgins' legal and sacro-legal privileges were affected by the changing position of Livia and Octavia from 35 BCE onwards. Through the grant of certain legal privileges, Livia and Octavia were distinguished from other matronae,<sup>1</sup> and, at the same time, acquired a greater resemblance to the Vestals. As a consequence of the increased legal similarities that the Vestals shared with Livia and Octavia, the relationship of the Vestal cult to Rome was altered, as an implied relationship between the Vestal cult and the emerging domus Augusta developed.*

Certain legal privileges distinguished the Vestals from the other cohorts of Roman woman, enshrining their unique position in law.<sup>2</sup> In 35 BCE, however, the situation changed, as Octavian's wife, Livia, and his sister, Octavia, were granted certain legal entitlements that appear to have been at least partly modelled on those previously enjoyed by the Vestals alone. The extent to which the legal privileges granted to Livia and Octavia reflected those of the Vestals has been the subject of discussion in modern scholarship.<sup>3</sup> In this chapter I

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<sup>1</sup> There is a good deal of scholarship on the changing position of Octavia and Livia, including: BALSDON (1962) 68-96 (Augustan women), 275-7 (independence of Vestals and other Roman women); a more general study is provided by POMEROY (1975) 149-89. Also note: BAUMAN (1992) 91-105, 124-9; FRASCHETTI (2001); SEVERY (2003) 62-7, 131-8, 232-43 (Livia under Tiberius); TREGGIARI (2005). A broad consideration of evidence for Roman women from the Republic to the Principate can be found in FANTHAM *et al* (1994) 207-329; Also note: LANGLANDS (2006) 360-1, Livia and *pudicitia*.

<sup>2</sup> For scholarship on the Vestals' position *vis à vis* Roman law, note: GUIZZI (1968); PARKER (2007) 72-4; KROPPEMBERG (2010).

<sup>3</sup> For instance: WILLRICH'S (1911) 54-5, study of Livia also posited a connection between her and the Vestals. Willrich saw a resemblance between the inviolability granted to Livia and Octavia in 35 BCE and that enjoyed by the Vestals. PURCELL (1986) 84-5 drew on Ovid's associations between *matronae* and Vestals at *Tristia*

approach this subject from the perspective of the Vestals rather than Livia and Octavia's, as has traditionally been the case, as I believe that the extent to which the Vestals were affected by the legal changes that occurred during the transition from Republic to Principate, has yet to be fully appreciated.

The range of positions offered by modern scholarship suggests that a review of the evidence is warranted.<sup>4</sup> Purcell and Willrich argued that there are grounds for seeing a resemblance between the privileges enjoyed by the Vestals and those gained by Livia and Octavia during their lives, beginning in 35 BCE - a position with which I am broadly in sympathy. Taking a direct tack, Bauman rejected the idea that there was a direct *legal* connection between the Vestals' inviolability and that enjoyed by Livia and Octavia.<sup>5</sup> Be this as it may, I will argue that there are still material grounds for seeing a connection between the Vestals, Livia and Octavia in regard to inviolability given that few women were granted such a privilege. Furthermore, as the analysis which follows will suggest, it is clear that the changing legal situation of Livia and Octavia affected the legal privileges open to freeborn and freed Roman women, which also had consequences for the Vestal Virgins. There is no question that Livia and Octavia were given privileges that reflected or were inspired by those that were

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4.2.11-14 as a basis to suggest that the privileges granted to Livia and Octavia from 35 BCE onwards enhanced the connection between these two groups of Roman women. Furthermore, Purcell proposed that "from before the Twelve Tables the Vestal Virgins had enjoyed this freedom from *tutela* in honour of their priesthood, and it was on this that the Augustan exemption was modelled" (p 85). Purcell's focus on Livia, however, did not extend to a discussion of how her enhanced status may have affected the Vestals. In a different stance from Willrich and Purcell, BAUMAN (1981) 174-7 disputed the legal connection between certain privileges enjoyed by Livia and Octavia and the Vestals, taking particular issue with the latter's claim that Livia received the privileges of the Vestals by degrees throughout her life.

<sup>4</sup> See p 188, n 3. I'm aware that R. Frei-Stolba's article 'Recherches sur la position juridique et sociale de Livie, l'épouse d'Auguste' *Etudes de lettres* 1998: 65-89 adds to the discussion of the subject, but I have not been able to obtain a copy of the article.

<sup>5</sup> BAUMAN (1981) 176, argued against Willrich's proposal (see p 188, n 3) of seeing a parallel between the inviolability enjoyed by Vestals and that which was granted to Livia and Octavia in 35 BCE: "Octavian will not have wanted Livia's rights to depend in any way on the judgement of his recently deposed triumviral colleague, Lepidus", who was, at least notionally, still *pontifex maximus*. The connection between the privilege of inviolability and the disciplinary role of the *pontifex maximus* in regard to Vestals is strongly drawn by Bauman, but it need not negate a connection between the inviolability of Livia, Octavia and the Vestals. The important point of distinction is that the grant of inviolability was not enough to turn Livia and Octavia into Vestals, and the grant of such a status was unlikely to allow them to be subjected to the discipline of the *pontifex maximus*. Lepidus' position by 35 BCE had been weakened by his failures in Sicily, so it is open to question how much Octavian felt threatened by him when the privilege of inviolability was granted to Livia and Octavia.

traditionally enjoyed by the Vestals; it is equally true that receiving such privileges did not turn Livia and Octavia into Vestals.

The following schema has been adopted in this chapter: an overview of the Vestals' legal position and privileges prior to 35 BCE is provided in order to establish the background against which a legal alignment developed between the Vestals, Livia, and Octavia. A chronological assessment of Livia's and Octavia's changing legal position after 35 BCE will follow, which integrates a discussion of how these changes were either reflected in the entitlements already enjoyed by the Vestals or how they prompted changes in the Vestals' own legal position. A chronological approach has been adopted because, as the triumviral period is succeeded by the Augustan Principate, the privileges of the Vestals and those of Livia and Octavia become increasingly intertwined; it is my belief, therefore, that a chronological assessment will allow the effects of such changes upon the Vestal cult to be best appreciated.

## THE PRIVILEGES OF THE VESTAL VIRGINS

Our understanding of the Vestals' legal privileges derives from Aulus Gellius, who relied on the Augustan jurists Antistius Labeo and Ateius Capito<sup>6</sup> when describing the Vestals' position *vis-à-vis* Roman law; and the jurist Gaius.

### Aulus Gellius:

Virgo autem Vestalis, simul est capta atque in atrium Vestae deducta et pontificibus tradita est, eo statim tempore sine emancipatione ac sine capitis minutione e patris potestate exit et ius testamenti faciundi adipiscitur.<sup>7</sup>

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<sup>6</sup> Gell. *NA* 1.12.1, 8.

Moreover, as soon as the Vestal virgin is taken (*capta*), and led into the *atrium Vestae* and delivered to the *pontifices*, at that time she is immediately discharged from the *potestas* of her father, without *emancipatio*, and without the diminution of her civil rights, and she secures the right to produce a will.

### **Gaius *Institutiones*:**

exeunt liberi uirilis sexus de parentis potestate, si flamines Diales inaugurentur, et feminini sexus, si uirgines Vestales capiantur.<sup>8</sup>

Children of the male sex are released from parental *potestas* by their inauguration as *flamen Dialis*, and of the female sex by being taken (*capiantur*) as a Vestal Virgin.<sup>9</sup>

Itaque, si quis filio filiaeque testamento tutorem dederit et ambo ad pubertatem peruenerint, filius quidem desinit habere tutorem, filia uero nihilo minus in tutela permanet: tantum enim ex lege Iulia et Papia Poppaea iure liberorum<sup>10</sup> a tutela liberantur feminae. loquimur autem exceptis uirginibus Vestalibus, quas etiam ueteres in honorem sacerdotii liberas esse uoluerunt: itaque etiam lege XII tabularum cautum est.<sup>11</sup>

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<sup>7</sup> Gell. *NA* 1.12.9 (for further discussion of this passage, see the Introduction, p 6-7).

<sup>8</sup> Gai. *Inst.* 1.130.

<sup>9</sup> On the possible similarities and differences between the *captio* of a Vestal Virgin and seizure of a Roman bride, see: HERSCH (2010) 144-8.

<sup>10</sup> The *ius liberorum* 'the right of children' operated differently depending on the social status of the Roman woman. For freeborn Roman women, the *ius liberorum* applied after three children, while for freedwomen, the *ius liberorum* was recognised for four children born after manumission (Gai. *Inst.* 1.194). Other grounds were later developed for granting the *ius liberorum*; the most notable example during the period under discussion here is Livia (see also p 219 below). Later on an imperial dispensation could be granted to people who due to unfortunate circumstance were unable to fulfil the requirements of the *ius liberorum*, for example Mart. 2.91, Suetonius (Plin. *Ep.* 10.94), and Plin. *Ep.* 10.2. For further discussion of Martial and the *ius liberorum*, see: WATSON, P. (2003) 38-48.

<sup>11</sup> Gai. *Inst.* 1.145.

Consequently, when a son and daughter possess a testamentary *tutor* and both reach puberty, the son at least ceases to have a *tutor*, the daughter nevertheless remains in *tutela*; for it is only under the *lex Julia et Papia Poppaea* by right of children that women are freed from *tutela*. What we are saying here does not apply to the Vestal Virgins, whom even our ancestors desired to be free in honour of their priesthood, and so too the law of the Twelve Tables stipulated.

Two legal points concerning the Vestals are explicit: 1) By virtue of being inducted into the cult, a Vestal was no longer under the *potestas* of her father. 2) The Vestals were exempt from *tutela* as early as the Twelve Tables.<sup>12</sup> Each of these privileges had significant ramifications for how the Vestals could act in public life.

### **Vestals and *potestas***

The release of Vestal Virgins from *potestas* without *emancipatio* distinguished them from other Roman women, whose ties to *potestas* could not be altered in such an extreme manner. *Emancipatio* was the (symbolic) ‘sale’ of a dependant by their *pater familias*. Once complete, the process confirmed the ‘sold’ individual as *sui iuris* in regard to their *pater familias*.<sup>13</sup>

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<sup>12</sup> The Twelve Tables are traditionally dated to c. 450 BCE.

<sup>13</sup> The process of *emancipatio* is discussed by Gai. *Inst.* 1.134-5. I propose that the unusual arrangement of a Vestal’s release from *potestas* “*sine emancipatione*” can be explained by the unique selection process for these priestesses. Vestals attained their priestly status as a result of *captio*, literally ‘capture’ (Gell. *NA* 1.12.9; Gai. *Inst.* 1.130; for a detailed discussion of the process of Vestal *captio*, see: GUIZZI (1968) 31-66). Selection by *captio* distinguished the selection of Vestals from the selection of other priests (cf. for instance the selection of the *flamen Dialis*. Gai. *Inst.* 1.130 notes that the priesthood of the *flamen Dialis* was conferred by inauguration (by the augurs). The process of inauguration appears to have been standard for other *flamines* as well: consider the inauguration of Lentulus as *flamen Martialis*: Macrobian. *Sat.* 3.13.11). The selection of Vestals by *captio* suggests violence (even if symbolic), recalling the idea of captives taken in war (Gell. *NA* 1.12.13 likens the selection process of Vestals to that of captives of war: ‘*Capi autem uirgo propterea dici uidetur, quia pontificis maximi manu presa ab eo parente, in cuius potestate est, ueluti bello capta abducitur.*’). Moreover, it appears that the virgin is considered to be ‘taken’ because she is grasped by the hand of the *pontifex maximus* and led away from the parent, whose *potestas* she is in, as if she were a captive taken in war’), and a sudden selection rather than deliberation or co-option (even though the selection process could be lengthy); On the possible processes for Vestal selection see: Gell. *NA* 1.12.10-13. The rapid transformation of a young girl into a Vestal Virgin suggested by Gellius (*simul ... eo statim tempore*) may explain the discharge from *potestas* without *emancipatio*, since the language supports the idea that there was a quick transition from selection to installation as a Vestal priestess, leaving little time for the process of *emancipatio* to be enacted. It is worth considering the circumstances under which women came to be *sui iuris*, as it seems likely that this was most

Other privileges that the Vestals enjoyed, such as the right to produce a will and the ability to manage their own financial affairs, stems from the relationship between their release from *potestas* and their exemption from *tutela* (discussed below). The unique situation created by the Vestals' release from *potestas* without *emancipatio* bolstered their symbolic potency, since notionally their duty lay towards Vesta (the state) rather than towards their natal family.<sup>14</sup> The Vestals were legally without family and had gained this independence in a manner that was not replicated for other priesthoods or other Roman women.

The Vestals' connection with *potestas* is complicated by their relationship with the pontifical college, because the *pontifices* had the power to punish the priestesses.<sup>15</sup> Mommsen suggested that the source of the pontifical power in such cases was *potestas*, rather than any magisterial *coercitio*.<sup>16</sup> A re-examination of the ancient evidence, however, challenges Mommsen's position. It is reasonable to assume that the purpose behind the Vestals' release from *potestas* was to separate them from their natal family.<sup>17</sup> If, however, the Vestals' release from *potestas* was such an important part of their selection process, it seems incongruous that they would have immediately fallen under the *potestas* of the *pontifex maximus*, as Mommsen suggested. It is notable that in Gellius' assessment, the Vestals' release from the *potestas* of their father is not followed by an explicit statement confirming the nature the Vestals' relationship to the *pontifices*; this is also the case in Gaius. The *ex silentio* argument is important here, as it would have been easy enough for either Gellius or Gaius to describe the process of *captio* as instigating the *transfer* of the Vestal from the *potestas* of her father to

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often the result of the death of the *pater familias* rather than a freedom granted to women at their request. If this was the case, then the Vestals represented a very small percentage of Roman women willingly released from the *potestas* of their natal family. Although enacting the *emancipatio* of a daughter required less preparation than for a son (a daughter became freed from parental *potestas* after a single mancipation, and a son after three mancipations), it is reasonable to expect that time would be needed to arrange an appropriate 'purchaser', time which would impinge upon the immediacy of the daughter's appropriation as a Vestal Virgin.

<sup>14</sup> The difficulties associated with the Vestals' connection with their natal family after their entrance into the priesthood can be found in Chapter Three *passim*. Also note: PARKER (2007) 72: "She [the Vestal] was taken out of her family and not added to any other. Moreover, she was not just in charge of a worship central to the state; she was also the embodiment of that state".

<sup>15</sup> Plut. *Num.* 10.4; cf. Dion. Hal. *Rom. Ant.* 2.67.3.

<sup>16</sup> MOMMSEN (1887) 2.53-5.

<sup>17</sup> WILDFANG (2006) 37: "the rite of *captio* primarily aimed at ensuring that the Vestals remained full members of the Roman civic body (i.e. the female equivalent of citizens), while becoming non-members of any of the individual families that together made up Rome's underlying family structure".

that of the *pontifex maximus*. The fact that neither Gellius nor Gaius conceive of the process in this way suggests that *potestas* was not the basis of pontifical power over the Vestals.

Writing long after Mommsen, Lacey has argued that: “the persons of the Vestal Virgins came under the *potestas* of the *pontifex maximus* at the time they entered office”;<sup>18</sup> Lacey further suggested that there was a distinction between the Vestals’ power over their own property, and the power that the *pontifex maximus* possessed over the Vestals’ bodies; however, it is not clear whether or not Lacey’s use of ‘power’ in this second statement was a direct reference to *potestas*.<sup>19</sup> If the power that the *pontifex maximus* had over the Vestals was *potestas*, it was, according to Lacey’s assessment, severely curtailed. It seems more reasonable to suggest that the pontifical power over the Vestals came from another source (perhaps the magisterial *coercitio* dismissed by Mommsen) rather than being an idiosyncratic and diminished *potestas*. In regard to this issue, I am more inclined, based upon the ancient sources, to agree with Wildfang that “the Vestals could neither remain under the *potestas* of their fathers nor enter under the *potestas* of a new man”.<sup>20</sup> Although the problem of *what* manner of power the Vestals fell under in regard to pontifical discipline is not fully understood, the distinction in *how* the Vestals were conceived at law in regard to *potestas* by Gellius and Gaius is illustrative of their unique legal position when compared with other Roman women.

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<sup>18</sup> LACEY (1986) 126.

<sup>19</sup> LACEY (1986) 127, drew a distinction between the Vestals’ power over their own property, and the power that the *pontifex maximus* possessed over the Vestals’ bodies: “in respect of their property they [the Vestals] were *sui iuris* and [the] *pontifex maximus* had no control over their power to use it, acquire additions to it or dispose of it, but in respect to their public life they were under the control of the *pontifex maximus*”.

<sup>20</sup> WILDFANG (2006) 39.

## Vestals and *tutela*

The right of Vestal Virgins to produce their own wills (*ius testamenti faciundi adipisc<un>tur*)<sup>21</sup> was a logical consequence of their being both *sui iuris* and their exemption from *tutela*.<sup>22</sup> Since the Twelve Tables, and throughout the Republican period, the Vestals' exemption from *tutela* had set them apart from other Roman women, who, even if *sui iuris*, were required to have the guidance of a male *tutor* to oversee their financial and legal affairs.

The legal exemption of the Vestal Virgins ran counter to the juristic argument for *tutela mulierum* for other Roman women, which was based upon the concept of *infirmetas sexus*.<sup>23</sup> The Vestals demonstrated that at least some women were deemed capable of managing their own affairs. The Vestals' longstanding exemption from *tutela* needs to be measured against other Roman women's changing relationship with tutelage. In regards to *infirmetas sexus*, Dixon noted that despite Roman women appearing to act under the guidance of a nominal *tutor*: "from the second century BCE Roman women exercised greater economic independence apparently unhampered by the restrictions of *tutela mulierum*".<sup>24</sup> Dixon's position is supported by the doubt as to the grounds for *tutela mulierum* expressed in Gaius *Inst.* 1.190.<sup>25</sup> While this situation may appear to undermine the uniqueness of the Vestals'

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<sup>21</sup> Gell. *NA* 1.12.9. Only persons who were *sui iuris* had the legal capacity to own property and, as a consequence, the ability to produce a will was their prerogative.

<sup>22</sup> Gai. *Inst.* 1.145.

<sup>23</sup> The ground for the differing treatment of men and women in regard to *tutela* was an ancestral belief regarding the nature of women, Gai. *Inst.* 1.144: *veteres enim voluerunt feminas, etiamsi perfectae aetatis sint, propter animi levitatem in tutela esse*. "For in the case of women, our ancestors desired them to be under *tutela* on account of the feebleness of their intellect, even if they had reached the age of majority". It is difficult to judge to what degree tutelage was enforced as a means of controlling the business and legal affairs of Roman women, although it is noteworthy that the legal requirement of lifelong tutelage for women allowed for a high degree of male influence to the point of complete male control over a woman's decisions. The grounds advanced for the female tutelage, *animi levitas*, suggest that the law was based upon the (purported) cognitive limitations of women or *infirmetas sexus*. A more detailed discussion of the same issues can be found in DIXON (1984) 343-71. Cf. the view held by THOMAS (1975) 44-5, and WATSON (1967) 103, that *tutela* was generally related to family interests, particularly inheritance.

<sup>24</sup> DIXON (2001) 78.

<sup>25</sup> Gai. *Inst.* 1.190: *Feminas uero perfectae aetatis in tutela esse fere nulla pretiosa ratio suasisse uidetur: nam quae uulgo creditur, quia levitate animi plerumque decipiuntur et aequum erat eas tutorum auctoritate regi, magis speciosa uidetur quam uera; mulieres enim, quae perfectae aetatis sunt, ipsae sibi negotia tractant, et in*



position *vis à vis tutela*, there is an important distinction, as their exemption from *tutela* was provided for by law, whereas other Roman women were obliged to circumvent the laws in order to achieve a pragmatic freedom from *tutela*.

The combination of the Vestals' release from *potestas* and their exemption from *tutela* marked their legal status as unique in relation to other Roman women and displayed consistency with broader Roman law in regard to the rights of other *sui iuris* persons (i.e. men). The Vestals' exemption from *tutela* is in keeping with the fact that they did not fall under the *potestas* of the *pontifices*. The Vestals' uniqueness in regard to the laws relating to tutelage is also highlighted by the fact that they were exempt from *tutela* at such a young age (six to ten years old), an age even younger than Roman boys who were held under *tutela* until puberty (fourteen years old).<sup>26</sup>

In addition to the legal privileges associated with the office of the Vestal Virgins, the priesthood also carried with it certain privileges that straddled the grey area between the legal and the sacral.

### **Vestals at court**

Tacitus:

cum virgines Vestales in foro et iudicio audiri, quotiens testimonium dicerent, vetus mos fuerit.<sup>27</sup>

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*quibusdam causis dicis gratia tutor interponit auctoritatem suam; saepe etiam inuitus auctor fieri a praetore cogitur.* "There seems to be no valid reason for women of complete age to be held in *tutela*; for the common belief, that they have fickle souls, and are frequently deceived, and so it is fair that they are ruled by the authority of *tutores*, seems more specious than true. For women who are of complete age, they manage their own business; and in some cases, for the sake of appearance, the tutor interposes his authority, and often he is compelled to give his authority reluctantly by the praetor".

<sup>26</sup> For a discussion of *tutela* as it related to children, see SALLER (1994) 181-203, esp. 185 for ages relating to *tutela*.

<sup>27</sup> Tac. *Ann.* 2.34.4.

Since there was an old custom that Vestal Virgins were heard in the forum and in the court whenever they spoke their testimony.

Tacitus' reference to the practice whereby Vestals were heard in court and in the forum if they were called to give testimony as an 'old custom' (*vetus mos*), allows us to assume that the policy had been in place during the Republican period.<sup>28</sup> The capacity of Vestal Virgins to be present and to speak directly in court constitutes a notable privilege associated with the cult.<sup>29</sup> There are relatively few accounts of other Roman women speaking in court. The accounts we have are, however, somewhat different from the privilege Tacitus ascribes to the Vestal Virgins; notably, the examples that are documented are not cases where women acted as witnesses, but actively pursued litigation. Valerius Maximus 8.3 provides three instances of *matronae* speaking directly in the forum and the courts: Maesia, Afrania, and Hortensia. Valerius prefaced these examples by stating that these women acted in opposition to their feminine nature (*condicio naturae*) and the modesty expected of the *matrona*.<sup>30</sup> The rarity of formal occasions of female public speech in Republican Rome is generally recognised in the scholarship;<sup>31</sup> and it is notable that these examples form part of a larger nexus of negative Roman attitudes towards women's involvement in public affairs that emerges from the forensic and political oratory of the Late Republic.<sup>32</sup> The 'curiosity' of female public speech

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<sup>28</sup> The ability of the Vestals to provide testimony may be an extension of the same (archaic) privilege reportedly granted to the Vestal Taracina Gaia (Gell. *NA* 7.7; Plut. *Pub.* 8.4).

<sup>29</sup> Also cf. the treatment of Fabia in Ascon. 91C.19-20: *Fabia virgo Vestalis causam incesti dixerat ... absoluta* "Fabia the Vestal Virgin had pleaded her case regarding the charge of *incestum*". The use of *dixerat* here allows for the possibility that, in cases of *incestum*, Vestals could speak in their own defence (see Chapter Two, pp 117-120 for more on Fabia).

<sup>30</sup> Apropos these three examples, MARSHALL (1990a) 48, 51, has pointed out that Maesia most likely represented herself in criminal court (p 48), Afrania operated in civil court (p 51), while Hortensia's public speech of 42 BCE was conducted in an informal public setting rather than a formal *contio* (p 40-1). On the general conflation of Afrania with a similarly named Carfania and issues that attend this, see MARSHALL (1990a) 43-5.

<sup>31</sup> GARDNER (1986) 262; MARSHALL (1989) 47.

<sup>32</sup> HILLARD (1989) 165-182 provides an overview of the evidence for the representation of interfering women (in forensic and political oratory); note esp. the conclusion p 176: "these images [of women] were manufactured for a purpose, and that purpose reveals more of the environment in which women had to operate than the material reveals about the women themselves". That there existed a fear of women transgressing socio-sexual boundaries and encroaching on male prerogatives is also evident in Livy's account of Cato's speech against a

generally underscores the extent to which the Vestals' position was anomalous. The priestesses' capacity to be called upon to provide testimony was a privilege that stood in contradistinction to the standards that applied to other Roman women. The appearance and activity of other Roman women in courts was constrained by social attitudes concerned with women's appropriate behaviour, and, if they became involved in a court case, they would almost invariably engage a male *patronus* to speak on their behalf.<sup>33</sup> Some of the criticism directed at the women recorded as speaking in court appears to have been on account of their *actively* bringing a case to court or defending themselves. In cases where women were called to act as witnesses, the evidence suggests that their voices were not directly *heard*, but rather that a prepared testimony was recited on their behalf.<sup>34</sup> This was in contrast to the privilege of the Vestals' to be heard (*audiri*) as they spoke (*dicerent*) their testimony. The distinction is important, as the underlying attitude which prevented Roman women speaking as witnesses seemed to be concerned not only with the idea that, by doing so, they would be encroaching on a traditional male domain, but also with the belief that women, by their nature, were less likely to provide worthwhile testimony.<sup>35</sup> The Vestals' right to speak was also therefore an acknowledgement that they, by their (differing) nature, were reliable witnesses. The Vestals' capacity to operate in a public forum in a manner that was usually reserved for males stands as significant testimony to the uniqueness of their position.

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repeal of the *lex Oppia* (Livy 34.2-4); this attitude persisted into the imperial period; cf. Juv. 6 *passim*; Suet. *Claud.* 15.4

<sup>33</sup> Cf. Val. Max. 8.3; MARSHALL (1990a) 49; evidence for women making use of a *patronus* / *advocatus*: Plin. *Ep.* 4.17; 6.33.2-3.

<sup>34</sup> Cic. *Ver.* 2.1.94. Other evidence for women as witnesses is less specific in its terminology as to how the evidence was provided to the court, including: Suet. *Iul.* 74.2.

<sup>35</sup> The male attitude towards women's ability to act as reliable witnesses is touched upon by KEITH (2000) 24; for a discussion of women acting as witnesses in the imperial period and the treatment of such witnessing in the sources: MARSHALL (1990b) 355-9. The legal position of women relative to men is likely to have been influential in the formation of negative attitudes towards women's participation in public life: GARDNER (1995) 377-400.

## Vestal Inviolability

As discussed in the Introduction, the inviolability of Vestal priestesses is generally inferred from evidence which suggests that any interference with their person was considered a transgression.<sup>36</sup> The most famous example of the potency of Vestal inviolability can be found in Cicero *pro Caelio* 34:

Nonne te, si nostrae imagines viriles non commovebant, ne progenies quidem mea, Q. illa Claudia, aemulam domesticae laudis in gloria muliebri esse admonebat, non virgo illa Vestalis Claudia, quae patrem complexa triumphantem ab inimico tribuno plebei de curru detrahi passa non est?

Surely if the masculine images of our family did not move you, did not even my descendant, that famous Claudia Quinta, urge you to rival her domestic praise in the matter of womanly glory; did not that famous Vestal Virgin Claudia [urge you], who, by embracing her father at his triumph, did not allow him to be dragged down from his chariot by a hostile plebeian tribune?<sup>37</sup>

The connection with Vestal inviolability is enhanced in Suetonius' later account of the same event:

Etiam virgo Vestalis fratrem iniussu populi triumphantem ascenso simul curru usque in Capitolium prosecuta est, ne vetare aut intercedere fas cuiquam tribunorum esset.<sup>38</sup>

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<sup>36</sup> Such evidence includes: Dio 47.19.4 (the award of *lictors* to the Vestals in 42 BCE); Plut. *Num.* 10.4 (the discipline of Vestals for minor transgressions); and Plut. *Num.* 10.4-7 (the unique method of live burial for Vestals charged with *incestum*).

<sup>37</sup> Cf. Suet. *Tib.* 2.4. The stand-off between the Vestal Claudia and the tribunes, some of whom may have possessed inviolability themselves, does not necessarily imply a hierarchical system governing inviolability, but rather it suggests that the privilege of inviolability was equally held and adhered to by those who possessed it. A respect for the inviolability of others upon whom the same privilege had been conferred was logical as this reinforced the system. For further discussion of this example see Chapter Three, pp 141-3.

<sup>38</sup> Suet. *Tib.* 2.4.

Furthermore a Vestal Virgin [Claudia], when her brother was celebrating a triumph without the sanction of the people, ascended the chariot along with him and followed him all the way to the Capitol, to make it religiously illicit act for any of the tribunes to forbid it or interpose his veto.<sup>39</sup>

As mentioned in the Introduction, the Vestals' inviolability may explain in part the unusual punishment described by Plutarch for Vestals found guilty of minor transgressions.<sup>40</sup> It is reasonable to suggest that the imposition of a sheet between the naked Vestal and the disciplining *pontifex maximus* served symbolically to preserve her inviolability, as the scourging that the Vestal received from the *pontifex maximus* did not directly touch her inviolate body, but was enacted via the sheet.<sup>41</sup>

Further consideration of Vestal inviolability reveals the extent to which this privilege distinguished them from other Romans. Inviolability was a condition of their priestly office and can therefore be distinguished from the inviolability enjoyed by the *tribuni plebis*, whose status in this regard was *conferred* upon them and was dependent upon the oath of the people. Livy and Valerius Maximus both discussed how the oath taken by the people validated the inviolability of their tribune.<sup>42</sup> The language used in each case may also be suggestive of

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<sup>39</sup> It seems reasonable to assume that Suet. *Tib.* 2.4 and Cic. *Cael.* 34 are discussing the same incident. Although Cicero refers to the Vestal Claudia as embracing her father and Suetonius identifies this man as the Vestal's brother, the similarity of the incident – a Vestal interposing her body to secure a triumph in the face of tribunician opposition – suggests there may have been variations of the same story.

<sup>40</sup> Plut. *Num.* 10.4; cf. Dion. Hal. *Rom. Ant.* 2.67.3.

<sup>41</sup> Another explanation for the imposition of a sheet between Vestal and *pontifex* lies in the Roman attitude towards nakedness. On the subject of nudity at Rome, see: CROWTHER (1980-1) 119-23; ZANKER (1988) 4-7. Although both examine Roman attitudes towards male nudity, the implications can reasonably be extended to women, note, KASTER (2005) 25-6: “a woman's nudity, when displayed anywhere to attract sexual attention, places a burden on *verecundia* over and above the queasiness already remarked of nudity in general: such a display threatens the *pudicitia* ... of both the women being seen and the male who sees her”; Kaster (n. 31, 33) also cites Cic. *Off.* 1.127-9 and Val. Max. 2.1.7, as evidence of Roman attitudes towards nudity. It is further reflective of Roman attitudes towards female nudity that such depictions in Roman art are interpreted as “allegory or personification”, for instance: AUANGER (2002) 232-3. In the case of the Vestals, we can assume that prevailing attitudes towards nakedness would have been even more pronounced.

<sup>42</sup> For example: Livy 2.33.1, 3.19.10, 3.55.10 (discusses the oath taken by the plebs that led to the inviolability of their tribune); Val. Max. 4.7.3, 6.1.7, 6.5.4. On the inviolability of the tribune of the plebs in general, also

difference. The inviolability of the *tribuni plebis* is referred to by the compound term *sacrosanctus*,<sup>43</sup> whereas the term *sancta*, standardly applied to the Vestals may be, among other things, suggestive of their innate inviolability.<sup>44</sup> Another crucial difference is that the inviolability of the Vestals was effectively for life (the tenure of the priesthood), while the *tribuni plebis* only enjoyed inviolability during the period of that magistracy. Leaving aside the distinction between the innate inviolability of the Vestals and the conferred inviolability of the tribune of the plebs, the important point here is that the privilege was rare and the Vestals were distinct, as being the only cohort of Roman women invested with such protection prior to 35 BCE.

### Vestal Privileges According to Plutarch

Before bringing the discussion of Vestal privileges to a close, a consideration of the challenges posed by Plutarch *Numa* 10.3 is needed. Plutarch ascribed to the initiative of Numa four distinct privileges of the Vestals. Plutarch's attribution of these privileges to Numa was mistaken, but the privileges themselves are worth some consideration. It is also worth noting that reservations are raised by Plutarch's account of Vestal privileges when we are able to cross-refer to other evidence; the claims made at *Numa* 10.3 are to be treated with an eye to his moralising aims and his interest in Rome's archaic past.

Τιμὰς δὲ μεγάλας ἀπέδωκεν αὐταῖς, ὧν ἔστι καὶ τὸ διαθέσθαι ζῶντος ἐξεῖναι πατρὸς καὶ τὰλλα πράττειν ἄνευ προστάτου διαγούσας, ὥσπερ αἱ τρίπαιδες. ῥαβδουχοῦνται δὲ προϊῶσαι· κὰν ἀγομένῳ τινὶ πρὸς θάνατον αὐτομάτως συντύχωσιν, οὐκ ἀναιρεῖται. δεῖ δὲ ἀπομόσαι τὴν παρθένον ἀκούσιον καὶ τυχαίαν

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note: Dion. Hal. *Rom. Ant.* 6.89.3-4; and Festus 422L, who ascribed inviolability to the tribune of the plebs, and (mistakenly) to the plebeian *aediles*.

<sup>43</sup> For instance: Livy 2.33.1, 3.55.9-10, 4.6.7, 4.44.5, 9.8.15; Val. Max. 6.1.7, 6.5.4; *RG* 10.1; Festus 422L.

<sup>44</sup> Hor. *Carm.* 1.2.27; Livy 1.20.3-4; cf. use of *sanctimonia*: Tac. *Ann.* 2.86.1. Also cf. discussion in MEKACHER (2006) 28-9.

καὶ οὐκ ἐξέπιττες γεγονέναι τὴν ἀπάντησιν. ὁ δὲ ὑπελθὼν κομιζομένων ὑπὸ τὸ φορεῖον ἀποθνήσκει.<sup>45</sup>

He [Numa] gave great honours to them [the Vestals], amongst which is that it was permissible to make a will while their fathers were alive, and to conduct their other affairs without a *tutor*, like mothers of three children. And as they went forth, they were accompanied by *fascēs*-bearers; and should they accidentally meet a criminal on his way to execution, he is not killed, but it is necessary for the virgin to make an oath that the meeting was unintentional, by chance, and not deliberate. He who passes under the litter on which they are carried, is put to death.

According to Plutarch, the first privileges awarded to the Vestals by Numa were the right to make a will and freedom from tutelage.<sup>46</sup> Plutarch assimilated these to the privileges granted to *τρίπαιδες*, but in doing so, he either expressed himself poorly, or (less probably) revealed a gap in his legal knowledge, as the *ius (trium) liberorum* did not pre-date the Augustan period. In regard to the right to make a will and freedom from *tutela*, Plutarch's suggestion that these privileges had been enjoyed by the Vestals since the early period of Rome's history is broadly correct. Even if these privileges cannot be precisely dated to the reign of Numa, they are supported by the Twelve Tables.<sup>47</sup>

### **Vestals and *lictōres***

The second privilege Numa instituted, according to Plutarch, was that the Vestals were to be preceded by the *fascēs* (i.e. a *lictōr*); however, Dio's assertion that the Vestals were only

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<sup>45</sup> Plut. *Num.* 10.3.

<sup>46</sup> Cf. Gell. *NA* 1.12.

<sup>47</sup> See earlier discussion, pp 206-7.

granted a *lictor* in 42 BCE is more persuasive.<sup>48</sup> Whereas Plutarch lists the *lictors* as part of an array of privileges that the Vestals received under Numa, Dio reports, rather more circumstantially, that the triumvirs appointed each Vestal a *lictor* after one of their college was insulted when returning home from a dinner. Given the state of unrest in Rome in 42 BCE,<sup>49</sup> such a report has the ring of believability. The addition of a *lictor* to the public life of Vestal Virgins served to draw attention to their status above and beyond their traditional dress,<sup>50</sup> and added an extra level of protection to their inviolability. For the purposes of the argument advanced in my thesis, it is noteworthy that, if one accepts Dio's account over Plutarch's, the grant of a *lictor* to Vestals did not develop until the late Republic, but it was not, however, bound up with the changing status of Livia and Octavia.

### **Vestals and criminals (and slaves)**

The third privilege of the Vestals noted by Plutarch is that, if a Vestal Virgin crossed the path of a criminal on his way to execution, then the criminal was to be spared, so long as the Vestal swore an oath confirming that the meeting had been accidental, not pre-planned.<sup>51</sup> The sparing of the criminal and the swearing of an oath demand separate discussion, and I shall address the claims in order.

The grounds upon which a Vestal was able to grant pardon are not entirely clear, but may relate to the pollution inherent in the (impending) death of the person on their way to execution, as there is evidence for supposing a connection between the polluting nature of

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<sup>48</sup> Dio. 47.19.4. It was not without precedent for priests to have *lictors*. Gell. *NA* 15.27 notes that the *pontifex maximus* was also attended by *lictors*.

<sup>49</sup> 43/2 BCE was a time of extreme civil unrest in the city of Rome, as the triumvirs pursued proscriptions, and Octavian and Antony meet Brutus and Cassius at the battle of Philippi. Given the unrest created by the proscriptions, it is perhaps unsurprising that there are accounts of lawlessness and anti-social/sacral behaviour at Rome during this time. For narratives pertaining to the years 43/2 BCE, see App. *BC* 4.1-6; Dio 47.

<sup>50</sup> For a discussion of Vestal dress see the Introduction, p 24, n 85.

<sup>51</sup> Although no evidence for this survives, the necessity of the oath suggests the possibility of a case involving the deliberate crossing of paths between a Vestal and a criminal at some stage in Rome's history.



death and the danger of such pollution for priests.<sup>52</sup> The ability of the Vestals to pardon criminals shows some resemblance to their reputed (magico-religious) ability to prevent fugitive slaves from leaving the bounds of the city.

Vestales nostras hodie credimus nondum egressa urbe mancipia fugitiva retinere in loco precatione<sup>53</sup>

It is believed today that our Vestals are able to root to the spot, by prayer, runaway slaves who have not yet left the bounds of the city.

The ability to pardon criminals and to detain fugitive slaves appears to represent two aspects of the same power; the first is limited by the daily movements of the Vestals, while the second can only be enacted within the bounds of the city (most likely the *pomerium*). There are also certain differences, as a Vestal's power to pardon a criminal was dependent upon their being in visual proximity to the criminal (crossing paths). In the case of runaway slaves, there is a quasi-magical element in a Vestals' ability to prevent a slave from running away by the force of words,<sup>54</sup> but visual proximity was not necessary. In each case, a Vestal's ability was also dependent on the assumption that they were able to exercise their power before it was too late to save the criminal, or before the slave could be considered to have successfully escaped. I propose that there was a relationship between the Vestals' necessary proximity to the criminal, which was curtailed by the Vestals' topographical relationship with Rome, and the external consideration that, in the case of the slave at least, that they were limited by the *pomerium*. Such an assessment can be extended further to suggest that the Vestals possessed a locational power which arose from the meaningful nexus that developed between the Vestals' bodies and the state's safety, and that the privilege indicates that the Vestals' sacral

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<sup>52</sup> Serv. *ad Aen.* 3.64, 11.143. For further discussion: LINDSAY (2000) 155-6.

<sup>53</sup> Plin. *HN* 28.13.

<sup>54</sup> The act can be likened to a binding spell.

nature could be transformed into a limited quasi-legal power enabling a criminal's life to be spared.<sup>55</sup>

Plutarch states that a Vestal's ability to spare a criminal hinged upon her swearing an oath "that the meeting was involuntary and fortuitous, and not of design".<sup>56</sup> Such a claim needs to be tested against other evidence. According to Gellius, the praetor's edict (*edictum praetoris*) included a clause whereby the praetor declared that he would not compel either the Vestal Virgins or the *flamen Dialis* to take an oath.<sup>57</sup>

De flaminis Dialis deque flaminicae caerimoniis; uerbaque ex edicto praetoris apposita, quibus dicit non coacturum se ad iurandum neque uirgines Vestae neque Dialem.<sup>58</sup>

Of the ceremonies of the priest and priestess of Jupiter; and the words quoted from the praetor's edict, in which he [the praetor] declares that he will not compel either the Vestal Virgins or the priest of Jupiter to take an oath.

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<sup>55</sup> It would be speculative to assume that the sparing of the criminal's life under these circumstances was equal to a complete acquittal, leaving the limits of the Vestals' power to grant pardons to criminals ambiguous. The same privilege also shares some resemblance with the powers of the *flamen Dialis*, who, according to Gell. *NA* 10.15.10, possessed the capacity to defer the punishment of people condemned to be flogged who crossed his path as suppliants, although it is not clear from the Gellius passage whether the intended flogging was a precursor to execution or not. The ability of the *flamen Dialis* was nevertheless far more limited than that of the Vestals in two ways. First, the punishment over which a *flamen Dialis* presided was much lighter: flogging (*verberandum*) versus execution. Second, Gellius stipulates that the deferment of the punishment lasts only one day (*eo die verberari piaculum est*) in the case of the *flamen Dialis*' intervention. Conversely, the intervention of a Vestal Virgin may have resulted in a full pardon for a criminal.

<sup>56</sup> Plut. *Num.* 10.3. It is notable that there is no evidence to confirm the popular belief that the Vestals swore an oath of chastity. The chastity of Vestals appears to have been an expectation of cultic service that did not require verbal confirmation. Cf. Sen. *Controv.* 6.8 where a Vestal is criticised for swearing upon her own death, the implication being that by doing so she invited judgement regarding her chastity.

<sup>57</sup> The reason for the exemption of the *flamen Dialis* from oaths is enigmatic. FOWLER (1893) 195, examines a case where a *flamen Dialis* has another swear an oath in his place (Livy 31.50), but no explanation for the situation is provided. Further questions on the topic are raised by Plut. *QR* 275c-d. The (divinely imposed) penalties for swearing a false oath were supposedly severe (see WATSON (1991) 8-9, 20-1, 49), but one would not expect priestesses to indulge in false oaths. The Vestals alignment with the *flamen Dialis* in this matter bolsters their claim to privileged status.

<sup>58</sup> Gell. *NA* 10.15 preface; also see Gell. *NA* 10.15.31: *Verba praetoris ex edicto perpetuo de flamine Diali et de sacerdote Vestae adscripti: 'Sacerdotem Vestalem et flaminem Dialem in omni mea iurisdictione iurare non cogam.*

The praetor's edict was issued at the start of the each year when the praetor (*urbanus*) began his office, and was a means of publicising which areas of law the praetor would be willing or not willing to deal with while in office. During the Republican period, a new praetor had the capacity to alter the edict as he saw fit, although patterns did emerge.<sup>59</sup> Because of the praetor's capacity to alter the edict, we cannot be absolutely certain that the clause Gellius noted in regard to the Vestals was one consistently adopted by holders of this office.<sup>60</sup> I suggest that this ambiguity allows some reconciliation with Plutarch, since the declaration of the praetor that he will not compel a Vestal Virgin to take an oath presupposes an earlier period where such compulsion was possible. Such a reading of the evidence reveals that it was not so much the case that it was unlawful for Vestals to swear oaths; rather, that some praetors agreed not to force them to do so regardless of the scenario.

### **Vestals and travel by *φορεῖον***

The final privilege Plutarch ascribes to the Vestal Virgins in *Numa* 10.3 is that "he who passes under the litter on which they [the Vestals] are borne is put to death". This appears to mirror in reverse the Vestals' ability to spare criminals from execution, but raises more questions than it answers. How such a scenario might arise is open to debate, so too the frequency with which Vestals travelled by *φορεῖον* ('litter').<sup>61</sup> I propose that one reason why

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<sup>59</sup> On the ability of praetors (especially in the Republic) to alter the edict as they saw fit to demarcate the areas of law they were willing to deal with, note the discussion of BUCKLAND (1963) 5, 8-10.

<sup>60</sup> The date of the inclusion of the Vestal clause in the praetor's edict must remain speculative; however, it must have preceded Gellius' authorship of the *Noctes Atticae* in the mid-late second century CE. An even earlier date can be posited based on the fact that Gellius assigned the clause to an *edictum praetoris*, which in itself suggests a date prior to the amalgamation and codification of the *edictum praetoris* and other similar edicts under Hadrian (SCHULZ (1951) 17-8). In regard to the distinction between the *flamen Dialis* and the Vestal in regard to oaths, Gell. *NA* 10.15.5 stated that it was always unlawful for the *flamen Dialis* to take an oath (also note Plut. *QR* 275c-d), thus explaining his exemption in the praetor's edict. The Vestals' exemption, on the other hand, must have been based on separate criteria, as the Vestals appear to have been subject to certain oaths, as discussed above.

<sup>61</sup> Plutarch's claim that the Vestals were permitted to travel by litter during the reign of Numa, and that there was a certain power attached to it, implies that the privilege was not affected by later legislation concerning the use of litters more generally. For instance, the Vestals' ability to travel by *φορεῖον* (in the Latin: *lectica*), does not appear to have been affected by the sumptuary legislation of c. 195 BCE (Dio 18, Zonaras fr.17), which

such an act might have been considered worthy of death is related to the idea of Vesta as the earth.<sup>62</sup> A person who passed under a Vestal being transported in a litter came between the Vestal and the earth (Vesta), and such an act may have been construed as a ritual violation. If Plutarch's information was correct, this privilege once more served to distinguish the Vestals from the generality of women and to underline again the idea of their physical impregnability by confirming taboos surrounding how a Vestal could be approached.

The privileges of the Vestal Virgins were diverse and served to confirm them as unique. Some of their privileges were sanctioned by law, and their exemption from *tutela* is noted as early as the Twelve Tables. The appearance of the Vestal Virgins in the Twelve Tables not only emphasised the relative importance of the priesthood in the early Republican period, since they are referred to specifically, whereas other priesthoods were not, but also the Romans' careful consideration of the delicate balance between the Vestals' role as priests and the constraints of their gender at law. Some privileges blurred the distinction between the sacred and the legal, i.e. their inviolability, shared with certain magistrates, and the authority to pardon criminals from execution in particular circumstances. The considerable privileges enjoyed by the Vestals ensured that they were a group markedly distinguished from other Romans, in particular from other Roman women, and the situation can be viewed as compensation for the restrictions imposed by their service.<sup>63</sup>

### THE PRIVILEGES OF LIVIA AND OCTAVIA, 35 BCE

In 35 BCE, the distinction between the Vestal Virgins and other Roman women was altered by the awards granted to Livia and Octavia. Some of the privileges awarded to Octavian's

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forbade women from indulging in a number of behaviours including riding in litters. Although the argument is made *ex silentio* in this case, we are on firmer ground in the Late Republic. In the reforms imposed by Julius Caesar (Suet. *Iul.* 43), he restricted the privilege of travelling by litter to certain people (*certis personis*), a category that we can reasonably assume included the Vestals.

<sup>62</sup> Ov. *Fast.* 6.267: *Vesta eadem est et terra*, 6.460: *est Tellus Vestaque numen idem*.

<sup>63</sup> As suggested by Plut. *Num.* 10.3.

wife and sister were more unusual than others, and the significance of each needs to be assessed in order to appreciate how these two *matronae* were drawn into the orbit of the Vestal Virgins.

καὶ μετὰ ταῦτα ἐκεῖ μὲν Φούφιον Γέμινον σὺν δυνάμει τινὶ κατέλιπεν, αὐτὸς δὲ ἐς τὴν Ῥώμην ἀνεκομίσθη, καὶ τὰ μὲν ἐπινίκια ψηφισθέντα οἱ ἀνεβάλετο, τῇ δ' Ὀκταουία τῇ τε Λιουία καὶ εἰκόνας καὶ τὸ τὰ σφέτερα ἄνευ κυρίου τινὸς διοικεῖν, τὸ τε ἀδεῖς καὶ τὸ ἀνύβριστον ἐκ τοῦ ὁμοίου τοῖς δημάρχοις ἔχειν ἔδωκεν.<sup>64</sup>

After this he [Octavian] left Fufius Geminus with a small force and himself returned to Rome. The triumph which had been voted to him he delayed, but to Octavia and Livia he granted statues, and the right to administer their own affairs without a *tutor*, and freedom from fear, and inviolability on the same basis as the tribunes of the plebs.

My discussion of the privileges awarded to Livia and Octavia in 35 BCE follows the order in which they are listed by Dio. Although the first of these, the award of statuary, does not forge as close a relationship with the Vestals as the subsequent privileges listed by Dio, they nonetheless call for discussion.

### **The Award of Statues**

In 35 BCE the female relations of a politically prominent male citizen were brought into public scrutiny in a manner that was defined by public honours, visible in the awarding of statues.<sup>65</sup> At first glance, the grant of statues placed Livia and Octavia in a distinct category of exceptional Roman *matronae* epitomised by Cornelia, the mother of the Gracchi.

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<sup>64</sup> Dio 49.38.1.

<sup>65</sup> Dio 49.38.1 as quoted above; note: FLORY (1993) 287-308.

Comparisons with Cornelia are natural given the survival of a statue base,<sup>66</sup> however, other Roman women honoured with statues include: the virgin Cloelia (or possibly Valeria),<sup>67</sup> who rescued hostages from the Etruscan king Porsenna, and was honoured with an equestrian statue on the *Sacra via*;<sup>68</sup> the Vestal Virgin Taracina Gaia,<sup>69</sup> in a tradition where many of the details are contentious, was granted a statue on account of giving the *campus Martius* (or *campus Tiberinus*)<sup>70</sup> to the Roman people;<sup>71</sup> Gaia Caecilia, the wife of King Tarquinius Priscus, had a statue dedicated to her in the temple of the Sabine god Sancus;<sup>72</sup> and Claudia Quinta, whose exploits have been explored elsewhere in this dissertation,<sup>73</sup> is recorded as having a statue in the temple of Magna Mater on the Palatine.<sup>74</sup>

There appears to have been a pattern of honours for exceptional *matronae* (Cornelia, Gaia Caecilia, Claudia Quinta), *virgines* (Cloelia, Taracina Gaia), and even foreign women who

<sup>66</sup> Plin. *HN* 34. 31, who located the statue as originally in the portico of Metellus and later moved to the portico of Octavia; Plut. *C. Gracch.* 4.2. For a discussion of Cornelia's statue see: KAJAVA (1989); for the statue base itself, see: *CIL* 6.31610 (=10043) = *CIL* 1<sup>2</sup> p. 201 = *ILLRP* 336 = *ILS* 68 = *InscrIt* 13.3.72.

<sup>67</sup> Plut. *Pub.* 19.5, noted that there was disagreement over whether it was Cloelia or Valeria who was represented by the equestrian statue; Plin. *NH* 34. 28-9, appears to have viewed the statues of Cloelia and Valeria as distinct from one another, in the case of Valeria, referring to Annius Fetialis' claim that a statue of Valeria, daughter of Publicola, once stood in the vestibule of Tarquinius Superbus' home opposite the temple of Jupiter Stator.

<sup>68</sup> Livy 2.13.6-11.

<sup>69</sup> Taracina Gaia (Gell. *NA* 7.7); is also known as Fufetia (Plin. *NH* 34.25), and occasionally Tarquinia (Plut. *Pub.* 8.4).

<sup>70</sup> The *campus Martius* and *campus Tiberinus* were possibly once the same place, or one was adjacent to the other.

<sup>71</sup> The antiquity of the Vestal Taracina Gaia is suggested not only by her gift of the *campus Martius* to the Roman people, but also by the claim, found in both Gell. *NA* 7.7.1-4 and Plut. *Pub.* 8.4, that she alone of all Roman women received the right to give testimony. This can be compared with the claim in Tacitus *Ann.* 2.34.4 that all Vestals had the right to be heard giving testimony, leaving Taracina Gaia standing as an archaic precursor. Plutarch reports that she was granted the exceptional permission to marry but did not do so. Gellius, with more detail, notes that she was awarded the privilege of leaving the Vestal order at the age of forty and marrying if she wished. The implication here is that, in early Roman history, the commitment to Vesta was viewed as lifelong.

<sup>72</sup> Festus 276L; Plut. *QR* 271e; cf. Plin. *HN* 8.194, who claims that it was the wool on the distaff and spindle of Gaia Caecilia (referred to by Pliny as Tanaquil), rather than her statue that was preserved in the temple of Sancus. Gaia Caecilia/Tanaquil's reputation as a model for young Roman *matronae* is supported by Varro (as preserved in Plin. *HN* 8.194), through her association with wool-working. In addition, the *bona femina* referred to in Ennius fr. 147 (Skutsch), may also have been Tanaquil. For further consideration of Tanaquil's reputation, note the narrative provided by Livy 1.34-41, and assessment by MCDUGALL (1990) esp. 25-7; cf. the ambivalent assessment of Tanaquil in Juv. 6.565-81.

<sup>73</sup> See Chapter One, pp 71-80.

<sup>74</sup> Tac. *Ann.* 4.64; Val. Max. 1.8.11.

figured prominently in Rome's history (the Sibyls).<sup>75</sup> Among these categories, it is unsurprising that many of these statues represented the ideal Roman woman both prior to and after marriage. Importantly, the honours awarded to the Vestal Taracina Gaia and Claudia Quinta (who underwent a process of Vestalization during the imperial period)<sup>76</sup> emphasise that the award of public statues to Roman women included both *matronae* and Vestals.

Some of these statues still existed during the Augustan Principate. For instance, Valerius Maximus 1.8.11 claims that Claudia Quinta's statue in the vestibule of the temple of the Magna Mater survived the fires of 111 BCE and 3 CE unscathed.<sup>77</sup> In addition, Pliny's reference to the statues of the Sibyls suggests that they were on public display in Rome and were restored during the Augustan Principate.<sup>78</sup>

Flory concluded that the statues voted to Livia and Octavia in 35 BCE were "not part of any Roman tradition",<sup>79</sup> but on the basis of the evidence advanced above, I propose that a tradition of honorific statues for Roman women *did* exist, even if the statues themselves cannot be recovered. Flory dismissed written sources on the subject of early Roman statuary in the absence of corroborating physical evidence,<sup>80</sup> but a re-examination of the sources, such as I have provided, suggests that at least some of these statues in the written record appear to have existed during the time in which the relevant author wrote, even if they have not survived into our own period.

<sup>75</sup> Plin. *HN* 34.22, 29. Plin. *HN* 34.22 assigned the erection of the three Sibylline states to the reign of Tarquinius Priscus.

<sup>76</sup> For discussion of Claudia Quinta's Vestalization and the consequences of such a process, see Chapter One, pp 71-80.

<sup>77</sup> These dates can be extrapolated from the consuls that Valerius Maximus lists. Apropos of the fires, the first occurred in the consulship of P. Nasica Scipio and L. Bestia, while the second took place in the consulship of M. Servilius and L. Lamia.

<sup>78</sup> Plin. *HN* 34.22: *equidem et Sibyllae iuxta rostra esse non miror, tres sint licet: una quam Sextus Pacuvius Taurus aed. pl. restituit; duae quas M. Messalla*. "For my part it is no wonder that [statues] of Sibylla stand near the rostrum, granted that there are three – one restored by the plebeian *aedile* Sextus Pacuvius Taurus, and the other two by Marcus Messalla". Sextus Pacuvius Taurus appears to have been a tribune and an *aedile* and under Augustus (cf. Dio 53.20.2-3, who records a Sextus Pacuvius (or Apudius) as dedicating himself to Augustus in 27 BCE; the Sextus Pacuvius Taurus mentioned by Pliny was either the same man or a relation. For a discussion of the complexities of securely identifying Sextus Pacuvius Taurus: BOSWORTH (1982) 164-6; precise identification of Marcus Messalla is likewise difficult given the number of possibilities.

<sup>79</sup> FLORY (1993) 296.

<sup>80</sup> FLORY (1993) 288-90.

Given the literary and physical evidence, we can reasonably conclude that the awarding of honorific public statues to Livia and Octavia followed a tradition of such honours for women, which, while rare, was not without precedent. The award of statuary aligned Livia and Octavia with other exceptional Roman women variously identified as *matronae*, *virgines*, and Vestal Virgins. The connection with the Vestals is not as strong as the connection with other *matronae*, but it cannot be ignored.

### **Livia, Octavia and *tutela***

According to Dio, in 35 BCE Livia and Octavia were granted the extraordinary privilege of conducting personal business without a *tutor*. Such a privilege immediately drew a further close parallel between these two women and the Vestal Virgins. Octavian's grant of freedom from *tutela* to his wife and sister heralded the beginning of a new age by blurring the distinction between familial honours and the Vestals' unique sacro-legal status. Given that the Vestals had enjoyed exemption from *tutela* since the Twelve Tables,<sup>81</sup> the freedom from tutelage conferred upon Livia and Octavia in 35 BCE cannot help but suggest that the Vestals' positive difference from other Roman women was utilised as a model for this newly acquired privilege. In contrast to the situation of Roman men, who could be honoured by their holding extraordinary political or priestly positions, there was no formal system in place to publicly honour Roman women. The attitude that *matronae* should not be overly involved in the public arena reflects a conservative backlash against the increase in women's involvement in public affairs that began in the 2<sup>nd</sup> century BCE,<sup>82</sup> and which had been seen

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<sup>81</sup> Gai. *Inst.* 1.145; for an examination of the remaining text of the Twelve Tables see: CRAWFORD *et al* (1996) 634.

<sup>82</sup> The attitude towards women's involvement in public life is suggested by the criticism that arose when they were thought to overstep their bounds (for discussion of this issue see HILLARD (1989) 165-182; also note Cicero's treatment of Clodia in the *pro Caelio*), and the affirmation that the modesty (*verecundia*) expected of women, especially *matronae*, was a preventative to public activity, cf. Val. Max. 8.3. There are a number of studies on the changing role of Roman women and their increasing prominence in the public sphere from the mid-Republic onwards, including: BALSDON (1962) 30-96; HEMELRIJK (1987); BAUMAN (1992) 22-89; FANTHAM *et al* (1994) 260-79; CULHAM (2004); TREGGIARI (2005).



more recently in the protests of *matronae* such as Hortensia,<sup>83</sup> the public role assumed by Antony's wife Fulvia,<sup>84</sup> and the activities of 'Turia'.<sup>85</sup> During the last century of the Republic, Roman women, and *matronae* in particular, were increasingly active (though unofficial) participants in Roman politics, and consequently, they were more visible in the public sphere.<sup>86</sup> These changes opened the path for Octavian to negotiate new and public honours for his wife and sister. It is not surprising that the Vestal Virgins provided a template for the honours awarded to Livia and Octavia, as there was no category of Roman women that stood beyond *matronae* conceptually other than the Vestals, who possessed more legal advantages and greater public visibility than other Roman women.<sup>87</sup>

### The Inviolability of Livia and Octavia

As noted earlier in the chapter, until 35 BCE, the provision against bodily violation was known for only two categories of Roman citizen, the plebeian tribunes and the Vestal Virgins.<sup>88</sup> Despite the differences (discussed above) between the inviolability of the Vestals and plebeian tribunes, the award of such a privilege to Octavia and Livia could not help but identify them with a very select category of Roman citizens.<sup>89</sup> Further to this point, Osgood

<sup>83</sup> App. *BC* 4.5.32-4; Val. Max. 8.3.3.

<sup>84</sup> Modern scholarship has produced some comment on the Roman attitude towards women in public: note SEVERY (2003) 11-3, 22-31. Livia's role became more public during the course of Octavian's career: BARRETT (2002) 45-7. For the protest of Hortensia against the triumviral edict of 42 BCE (and Fulvia's refusal to help), see: App. *BC* 4.5.32-4. For the activities of Fulvia, note the invective in Cic. *Phil.* 5.4.11; 5.8.22. It is also worth noting that the invective against Fulvia continued/survived into the imperial period with Mart. 11.20 claiming to quote Octavian's assessment of Fulvia as a sex-crazed *virago*. On the veracity of the quotation of Octavian, see: KAY (1985) 110-2. Discussion of protests led by women including the example of Hortensia and the *matronae* can be found in: HEMELRIJK (1987) 217-40.

<sup>85</sup> For the inscription known as the *laudatio Turiae*: CIL 6.1527, 31670, 37053; for discussion of the text see: WISTRAND (1975) 32-76; for a recent discussion of gender in the *laudatio Turiae*: HEMELRIJK (2004) 185-97.

<sup>86</sup> The visibility of (elite) Roman women in the public eye can even be traced in death. Caesar's public funerary oration for his aunt Julia in c. 69 BCE was a break with tradition (Plut. *Caes.* 5.2).

<sup>87</sup> SCHEID (2005) 179, has proposed that the likening of Livia and Octavia to the Vestals was part of a deliberate attempt to create a public role for these women, however, this view needs to be tempered against the fact that the Vestals were the preeminent collective of women besides the *matronae*, leaving little choice but to model their honours upon these publicly engaged priestesses.

<sup>88</sup> For the inviolability of the plebeian tribunes: Livy 2.33.1, Dion. Hal. *Rom. Ant.* 6.89.3; for the inviolability of the Vestal Virgins: Cic. *Cael.* 34.

<sup>89</sup> On the restricted citizenship rights of Roman women, see: GARDNER (1993) 85-109.

has rightly noted that: “the measures, the last of which [that is, inviolability] was unprecedented, aimed not just to honor and protect women close to Octavian ... but also to suggest that the women had qualities that made them worthy of honor and protection”.<sup>90</sup>

Dio 49.38.1, quoted above, draws attention to the fact that the inviolability granted to Livia and Octavia was based upon that of the plebeian tribunes, and it is worth considering why Dio draw an analogy between the inviolability granted to them and that of the plebeian tribune rather than the Vestals. I suggest that Dio’s analogy draws attention to the fact that Livia and Octavia received their inviolability as a special grant, as did the plebeian tribune. Conversely, in the case of the Vestals, inviolability was intrinsic to their office. For Vestals, inviolability was bound together with a commitment of at least thirty years chaste service to Vesta (and often a lifetime), whereas for plebeian tribunes, it was a privilege conferred as the result of an oath made by the plebs and lasted only as long as the office was held, usually a year.<sup>91</sup> It is this last distinction concerning the duration of the privilege that crucially provides grounds for seeing a connection between Livia, Octavia and the Vestals.

I propose that the grant of inviolability to Livia and Octavia resembles that of the Vestals in two ways: 1) the duration of the inviolability of the Vestals was (effectively) for life, a feature that was also true in the case of Livia and Octavia; 2) the shared gender of the recipients. Inviolability was a privilege enjoyed by few Roman citizens, and gender cannot be overlooked. The grant of inviolability to a pair of women inevitably suggested a parallel with the Vestal Virgins.<sup>92</sup> The limited number of inviolable persons ensured that any additions to this category were noteworthy. Augustus’ wife and sister were suddenly placed on a standing with both the plebeian tribunes, on account of the fact that they were *granted* inviolability, and, more importantly, with the Vestals, on account of their sex. It is reasonable to believe

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<sup>90</sup> OSGOOD (2006) 334.

<sup>91</sup> See discussion above, pp 214-16.

<sup>92</sup> Contra BAUMAN (1981) 176.

that the Romans drew a connection between the Vestals and Livia and Octavia from 35 BCE onwards on account of the shared *de facto* permanence of their inviolate status.

### **Why Octavia and Livia Received Privileges in 35 BCE**

The reasons for the grant of privileges to Livia and Octavia remain to be explored. It is reasonable to assume that in 35 BCE Octavian had political motivations for the privileges he sought for his wife and sister. It became clear as the year progressed that the triumvirate had lost its way, a fact evident in Lepidus' failures in Sicily;<sup>93</sup> Octavian needed to capitalise upon Lepidus' weakness if it were to prove permanent. It was equally clear that Antony would persist as a rival unless he could be stopped.<sup>94</sup> Antony was in the East, but he was not alone. Cleopatra's prominence in 35 BCE likely provided some impetus for the increased public exposure of Livia and Octavia at this time.<sup>95</sup> Flory's claim that the grant of inviolability to Octavia and Livia was a means of ensuring the equal standing of the two dominant triumvirs' wives,<sup>96</sup> draws attention to Octavian's strategy in regard to the negative representation of Cleopatra in Rome. In addition, Flory has noted that inviolability not only protected those who held it against physical harm, but also against insult, and that only Octavia was in any

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<sup>93</sup> App. *BC* 5.12.122-6; Dio 49.11.2-12. For a discussion of Lepidus' position in the triumvirate after the meeting at Tarentum, see: BADIEN (1991) 5-16.

<sup>94</sup> The disintegration of the triumvirate was confirmed with the defection of Lepidus (App. *BC* 5.13.123-6 and Dio 49.8-12, detail Lepidus' increasing dissatisfaction with his place within the triumvirate and his reduced circumstances after 36 BCE). Dio 49.13.3 suggests that Octavian's troops were aware that the reduction of Lepidus' power made conflict with Antony inevitable.

<sup>95</sup> KLEINER (2005) 229, has claimed that Octavian used the *ara Pacis* (9 BCE) as a means of elevating Livia in order to counterbalance her against the vision of Cleopatra that had emerged from Antony's contact with Egypt: "The impact of such paired portraits of Cleopatra and Antony was not lost on Augustus. Livia completed him as a couple, as Cleopatra did Antony. The emphasis on men depicted with their wives on the *ara Pacis* may have been, in part, Augustus's response to the pairing of Antony and Cleopatra in art." Such a position seems to grant an undue amount of power to an enemy long conquered. The victory over Antony and Cleopatra was complete by 30 BCE. In agreement with Kleiner, it is fair to note that Cleopatra still resonated with Romans well after her death (note: the conclusion to Verg. *Aen.* 8, esp. 685-8, published posthumously after Vergil's death in 19 BCE, and Prop. 4.6.57-68, 16 BCE being the *terminus post quem* for book 4). Nevertheless, I suggest that it is more plausible to read the *ara Pacis* as a legitimising expression for the increased public profile of certain Roman women (and children) that continued *after* the defeat of Cleopatra and Antony, rather than as a direct response to a defeated foe. In other words, it is more compelling to apply Kleiner's theory to the period in which Antony and Cleopatra were still in active opposition to Octavian.

<sup>96</sup> FLORY (1993) 294. It is notable, but not surprising, that Lepidus' wife Junia was excluded from such awards.

danger of insult in 35 BCE on account of her husband Antony's dealings with Cleopatra.<sup>97</sup> Flory's interpretation provides an explanation for the phrase found in Dio 49.38.1 *τό τε ἄδεές* ('freedom from fear'), as other evidence suggests that inviolability was supposed to protect against both bodily and verbal injury.<sup>98</sup> Octavia's prominence in 35 BCE is unquestionable. Her role as Antony's wronged wife, and as a paragon of matronal devotion, were utilised in a negative propaganda campaign against Antony and hence Cleopatra.<sup>99</sup> Further to this, Plutarch intimated that Octavian viewed Octavia's journey to Egypt in 35 BCE to be with Antony as an opportunity for further blackening Antony, since it was assumed that she'd be turned away; a correct assumption, as it turned out.<sup>100</sup> While we cannot be absolutely certain that Octavia received the privileges detailed by Dio 49.38.1 prior to her (failed) journey to join Antony in Alexandria, it would make sense if this was the case, as the symbolic protections offered by inviolability ensured that there would be (an even greater) public outcry in Rome if anything untoward happened to her during the trip. It also served Octavian's purposes to assimilate Antony's wife to the quintessentially Roman figures of the Vestals, thus widening the cultural alienation between the two.

35 BCE was a significant year for Livia and Octavia in terms of the privileges that they received. The examination provided above reveals that there is a case for seeing a connection between Livia, Octavia and the Vestals on account of those privileges. The statues suggest, rather than make explicit, a relationship between the Vestals, Livia, and Octavia. The exemption from tutelage, however, draws directly on the precedent of the Vestals. In the case of their inviolability, the issue of gender cannot be overlooked. That the inviolability of Livia

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<sup>97</sup> FLORY (1993) 294.

<sup>98</sup> Cf. the award of *lictors* to Vestals in 42 BCE, which were granted as a response to a Vestal being insulted (Dio. 47.19.4). It is possible that the insult incurred by the Vestal was offensive on the grounds of her inviolability and that the remedy (that is the award of a *lictor* for when Vestals were in public), was a measure in part designed to draw attention to that inviolability.

<sup>99</sup> For details on the propaganda against Antony c. 35 BCE: SCOTT (1929) 131-41; SCOTT (1933) 36-7; NISBET, HUBBARD (1970) 406-11, the introduction to Hor. *Carm.* 1.37; OSGOOD (2006) 354-7.

<sup>100</sup> Plut. *Ant.* 53.1; also note: Dio 49.33.3-4. It is noteworthy that both App. *BC* 5.138 and Plut. *Ant.* 53.1-2, mention that Octavia took gifts with her for Antony including troops (Appian mentions Italian cavalry troops, Plutarch mentions praetorians); for an assessment of the situation in regard to these troops, see: OSGOOD (2006) 335-6.

and Octavia was based on that awarded to the *tribuni plebis* is rendered understandable when the distinction is made between the Vestals' intrinsic inviolability and that legally granted to the tribunes. The tribune-like manner in which Livia and Octavia gained their sacrosanctity does not, however, eliminate the parallel they thenceforth shared with the Vestals. In sum, however, it is fair to conclude that the privileges granted to Livia and Octavia in 35 BCE distinguished them from the rest of Rome's *matronae* by creating an affiliation with the Vestal Virgins. As a consequence, it is reasonable to suggest further that the distinction of the Vestal Virgins from other categories of Roman women was diminished to a certain degree by these changes. The Vestals do not appear at this time to have been compensated with new benefits that might offset the fact that they now shared their previously unique privileges with Livia and Octavia. It is also not clear whether the Vestals themselves were concerned with these changes, but 35 BCE represented only the beginning of a series of legal changes that would serve to blur the distinction between the Vestal Virgins and Octavian's female relations.

### **THE VESTALS, LIVIA (AND OCTAVIA) AFTER 35 BCE**

The grant of privileges to Livia and Octavia in 35 BCE was a catalyst for further change. The elevation of Livia and Octavia above the cohort of Rome's elite *matronae* preceded, but in some senses, also paved the way for, the reform of moral legislation that was the most significant and protracted judicial achievement of the Augustan Principate. After 27 BCE, Augustus pursued a number of legal reforms, including legislation aimed at Roman socio-sexual morality. Discussion of the evidence for Augustan moral reform is made difficult because not all the legislation has survived in the juristic sources. Certain laws, such as the *lex Julia de maritandis ordinibus* of 18 BCE and the *lex Papia Poppaea* of 9 CE, covered

similar areas, and the latter *lex* refined concepts proposed in the former.<sup>101</sup> The legal evidence is further muddled by its treatment in historical sources. Writers from the imperial period who discussed the Augustan Principate were not necessarily legal specialists and their treatment of Augustus' legal reforms cannot always be relied upon for consistency or accuracy.

In this section of the chapter, I examine the degree to which the legal changes that occurred after 35 BCE affected the connection that had begun to develop between the Vestals, Livia and Octavia. Such a study will be necessarily focussed through the Vestals and Livia, as the death of Octavia some time in 11/10 BCE allows only the broadest conclusions in regard to her.<sup>102</sup> Importantly, the death of Octavia altered the prominence of Livia, who henceforth stood alone with privileges that differentiated her from other Roman *matronae*. While it may be argued that the initial privileges offered in 35 BCE to Octavia and Livia were intended more for Octavia, as a means of highlighting the moral outrage of Antony's continuing liaison with Cleopatra,<sup>103</sup> the privileges Livia accrued after 11/10 BCE were hers alone, and granted when the Principate appeared to have achieved a degree of stability.

Given the challenges imposed by the incomplete survival of evidence, and the difficulties just noted in regard to the representation of the Principate by imperial writers, any interpretations offered on the complex relationships between legal privileges, social position, and the symbolic meaning of such changes, must be proffered with caution. Nevertheless, I believe that the chronology and the scope of the legal reforms reveal the changing position of the Vestal Virgins in relation to Livia and Octavia.

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<sup>101</sup> The bibliography on the moral reforms of Augustus is vast, however some texts of note on this subject are: FIELD JR. (1945); ASTOLFI (1970); CSILLAG (1976); WALLACE-HADRILL (1981); METTE-DITTMAN (1991). On Augustan reforms including the *lex Papia et Poppaea*: TREGGIARI (1991) *passim*.

<sup>102</sup> Dio 54.35.4.

<sup>103</sup> FLORY (1993) 294: "The grant of sacrosanctity in particular suggested a need for protection from harm and insult, but only Octavia was being insulted by her errant husband. The extension of the grant to Livia was logical – to keep the honours for the wives of the triumvirs equal". More cautiously: PURCELL (1986) 85: "Perhaps it marks the beginning of his pointing-up of the alienness of Antony's relationship with Cleopatra".

The legislation of the *lex Julia de maritandis ordinibus* (18 BCE) and the *lex Papia Poppaea* (9 CE) is important when examining the parallels that develop between the Vestal Virgins, Livia, and Octavia,<sup>104</sup> as these *leges* changed the grounds for women's tutelage. Although there were about thirty years between the establishment of these two laws, they are referred to together in jurisprudence.<sup>105</sup> Broadly the *lex Julia* covered new criteria for marriage while the *lex Papia Poppaea* was more concerned with the distribution of, and claims on, estates, although it appears to have also modified some statutes of the *lex Julia*;<sup>106</sup> even so, the exact parameters of each *lex* are not certain and sometimes seem to be presented in a confused manner by the sources.<sup>107</sup> An important feature of these laws, and the one which concerns any examination of the Vestals and Livia, is the application of the *ius (trium) liberorum* 'the right of three children'.

The *ius liberorum* was a legislated privilege that permitted Roman women certain freedoms as a reward for motherhood. In the case of free Roman women, the *ius liberorum* could be attained after the birth of three children.<sup>108</sup> There were two main freedoms won under the *ius liberorum*: 1) freedom from *tutela*; 2) freedom from certain restrictions on inheritance, which were in part a modification of the previous statutes of the *lex Voconia* of 169 BCE.<sup>109</sup> The details concerning the restrictions on inheritance that were lifted by the *ius liberorum* are not of particular concern to this thesis, but rather the fact that the *ius liberorum* covered a number of distinct areas of Roman law.<sup>110</sup>

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<sup>104</sup> Only Livia was affected by both *leges* as Octavia died sometime in 11/10 BCE (Dio 54.35.4).

<sup>105</sup> For example: Gai. *Inst.* 1.145; TREGGIARI (1991) 60, noted that the conflation was standard.

<sup>106</sup> Ulp. *Rules* 14 (ABDY, WALKER (1876) 385-6; also see SCOTT (1973) 1.237), notes an instance where the *lex Papia* extended the periods permitted between divorce or widowhood and remarriage set out in the *lex Julia*. See HONORÉ (2002) 206-217 concerning the difficulties in attributing the *Rules* to Ulpian.

<sup>107</sup> For instance, Plut. *Numa* 10.3 described Vestal privileges awarded by Numa in terms of the *ius liberorum* which did not come into effect until the Augustan Principate: see discussion above, pp 216-222).

<sup>108</sup> The case of the *ius liberorum* for freedwomen was slightly more complicated, note: GARDNER (1986) 20; TREGGIARI (1991) 69. On the legal distinction concerning how children were counted under this system of privilege, note: BRUNT (1971) 563.

<sup>109</sup> For a discussion of the *lex Voconia* in relation to the *ius liberorum*: TREGGIARI (1991) 69. For an examination of how the *lex Voconia* could be circumvented prior to the Augustan moral reforms: DIXON (1985) 519-34. For a background on the *lex Voconia* in general: HOPWOOD (Diss., University of Sydney 2004) 88-156.

<sup>110</sup> For an examination of the how the *ius liberorum* altered women's ability to inherit, see: TREGGIARI (1991) 78-9.

It is reasonable to place the advent of the *ius liberorum* in or around 18 BCE, as part of the provisions of the *lex Julia de maritandis ordinibus*.<sup>111</sup> Versions of privileges dependent upon children may have been in effect for Roman men prior to the *lex Julia* of 18 BCE. For instance, Dio 53.13.2-3, discussing the early provisions for magistracies in 27 BCE, noted that some magistrates enjoyed a certain privilege on account of their children or marriage.<sup>112</sup> There is some scholarly hesitation in assigning privileges like those of the *ius liberorum* as early as 27 BCE; on this score, it is worth noting the observation of Rich: “Dio gives the impression ... that all the regulations he attributes to Augustus were made in 27 [BCE], but some were probably introduced later in the reign”.<sup>113</sup> Although the parallel is not exact, since it concerns Roman men rather than women, it does suggest the possibility that Augustus was focussed on moral reform as early as the twenties BCE, but also highlights the difficulty of producing a precise chronology for his moral legislation. For my own part, I am inclined to assign the *ius liberorum* to 18 BCE as part of the provisions of the *lex Julia de maritandis ordinibus*. The special grant of the *ius trium liberorum* to Livia in 9 BCE (discussed below), suggests that the privilege was available to Roman women prior to 9 BCE. The *lex Julia* of 18 BCE is the most likely place for the codification of this privilege.

The significance of the *ius liberorum* to our understanding of the relationship between the Vestals and Livia after 35 BCE is tied to chronology. According to Dio 55.2.4-7 after the untimely death of Drusus in 9 BCE, Augustus saw fit to grant Livia the *ius liberorum*.<sup>114</sup> It is

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<sup>111</sup> The references to fertility in Horace’s *Carmen Saeculare* (esp. ll. 13-20), dated to 17 BCE, suggest that the topics such as child-rearing and appropriate marriage were relevant around the same time as the first wave of moral reform legislation appears to have been introduced.

<sup>112</sup> Further hints that moral reform was an interest of Octavian’s in the 20’s BCE are supported by Tac. *Ann.* 3.28 and Prop. 2.7 as per BRUNT (1971) 558; however, note the objections to this interpretation raised by BADIAN (1985) 82-98. For a perspective on Octavian’s interest in moral reform in the 20’s BCE through the lens of Horace, note: WILLIAMS (1962) 28-46.

<sup>113</sup> RICH (1990) 143. Also consider WILLIAMS (1962) 28, who supports this position. Further to this point, MOMMSEN (1899) 691 n.1, notably proposed that the Augustus may have proposed moral reform measures earlier than 18 BCE but withdrew them after opposition was raised. For a detailed discussion of the chronology of the Augustan moral reform laws, see: RADISTA (1980) 295-7.

<sup>114</sup> In addition to the grant of the *ius (trium) liberorum*, Dio states that statues were also voted to Livia as a form of consolation for the loss of Drusus. Whether these statues commemorated Drusus directly or took some other form is not clear. See: FLORY (1993) 299-300, for a discussion of some possibilities for the form these statues took. The exceptional grant of the *ius liberorum* to Livia in 9 BCE may have also set a precedent for the award of the privilege by dispensation from the emperor in the 1<sup>st</sup> century CE. Cases emerge during the imperial period



reasonable to believe that the grant of the *ius liberorum* was seen as a fitting tribute to a mother who had just lost a son who had been so active on behalf of the Roman state in military matters. Certainly Lacey's observation that the award served to "enhance her *dignitas*" was true.<sup>115</sup> To a certain extent, the *ius liberorum* overlapped with the exceptional grant made in 35 BCE that allowed Livia (amongst other things) to act without a tutor. One important advantage of the *ius liberorum* was the ability it granted Livia to inherit from unrelated testators.<sup>116</sup>

The exemption made for Livia in 9 BCE was extraordinary, as she was the mother of only two children.<sup>117</sup> At this point an important chronological distinction can be made between Livia and the Vestals, as Dio suggests that the Vestals were not granted the *ius liberorum* until 9 CE, approximately eighteen years after the right had been granted to Livia:

καὶ ταῖς ἀειπαρθένοις πάνθ' ὅσαπερ αἱ τεκοῦσαι εἶχον ἐχαρίσατο. καὶ τούτου ὃ τε Πάπιος καὶ ὁ Ποππαῖος νόμος ὑπὸ τε Μάρκου Παπίου Μουτίλου καὶ ὑπὸ Κυίντου Ποππαίου Σεκούνδου, τῶν τότε ἐν μέρει τοῦ ἔτους ὑπατευόντων, ἐτέθησαν.<sup>118</sup>

And he [Augustus] granted to the Vestals Virgins everything which child-bearers have. And as a result of this, the *lex Papia Poppaea* was instituted by Marcus Papius

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(see p 191, n 10 above) where those who had tried to comply with the law, but had still failed to produce the number of children stipulated for their social class, could apply for an exceptional award of the *ius liberorum*. The grant of the *ius liberorum* to Livia can also be contrasted with Augustus' severe attitude to those citizens who refused to comply with the legislation: Dio 56.4.2-9.3, attempted to encapsulate the Augustan attitude in speeches.

<sup>115</sup> LACEY (1996) 188. It is noteworthy that Lacey conflated the *ius liberorum* with freedom from tutelage.

<sup>116</sup> Cf. Dio 56.10.2, and 59.15.1. Note: SWAN (2004) 51: "Livia did not need the *ius trium liberorum* in order to receive inheritances and bequests from near relatives ... but she could henceforth take even from unrelated testators"; Also: TREGGIARI (1991) 79-80; 'ius liberorum' *RE* (STEINWENTER).

<sup>117</sup> *Consol. Liv.* 81-2, acknowledged the two children to reach maturity. Suet. *Aug.* 63.1, however, reported that Livia's third child, conceived with Octavian, was born prematurely. Logically this child must have pre-dated Drusus' death in 9 BCE, which was the occasion for Livia's being granted the *ius liberorum*. If Suetonius is correct and Livia had produced a third child, it is reasonable to infer then that one requirement of eligibility for the *ius liberorum* was that the three children must survive to a particular age. If the third still-born child had counted, Livia ought to have received the *ius liberorum* prior to 9 BCE, perhaps even as early as the time of legislation around 18 BCE.

<sup>118</sup> Dio 56.10.2-3.

Mutilius and by Quintus Poppaeus Secundus, who were serving at that time as consuls during a part of the year.

The structure of Dio's narrative encourages the interpretation that the grant of the *ius liberorum* to the Vestals occurred prior to the proposal of the *lex Papia et Poppaea*. Swan has suggested, however, that it is likely that Augustus proposed the legislation in draft form prior to its codification.<sup>119</sup> Following Swan, it is plausible then to read the change to the Vestals' legal status as one result of the negotiation over the draft legislation. In another words, the chronology implied by Dio here, i.e. that the Vestals received the privilege of the *ius liberorum* prior to the *lex Papia et Poppaea*, is not prescriptive; the framing of the *lex Papia et Poppaea* was simply the final stage in the codification of the laws. As a consequence of Swan's reading of Dio here, we can reasonably connect the Vestals' acquisition of the *ius liberorum* with the *lex Papia et Poppaea* itself.

As in the case of Livia, the *ius liberorum*, as it applied to the Vestal Virgins, concerned their right to inherit, as both already enjoyed freedom from tutelage, which was the other significant benefit of this privilege.<sup>120</sup> If the late date of the Vestals' grant of the *ius liberorum* is to be believed then Livia's privilege of the *ius liberorum* anticipated that of the Vestals by nearly twenty years. According to Dio's chronology of events, we are forced to conclude that, in terms of legal privileges, the Vestals were here playing catch up to Livia and other eligible *matronae*.<sup>121</sup>

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<sup>119</sup> SWAN (2004) 233-5.

<sup>120</sup> The Vestals' freedom from *tutela* was enshrined in the Twelve Tables (Gai. *Inst.* 1.145), while Livia was awarded freedom from *tutela* in 35 BCE (Dio 49.38.1).

<sup>121</sup> It is usual to accept Dio's dating of the Vestals receiving the *ius trium liberorum* to 9 CE, note: PURCELL (1986) 85.

## Setting the Scene for Crisis

As suggested above, the *ius liberorum* appears to have been codified at latest in the *lex Julia de maritandis ordinibus* of 18 BCE. Given the ritual constraints that prevented the Vestals from marrying and becoming mothers, it is reasonable to assume that the Vestals were not affected by the penalties for remaining unmarried and childlessness that were part of the legislation. If this was the case, it also seems clear from the grant of the *ius liberorum* to the Vestals in 9 CE, that there were advantages to be gained from the *ius liberorum* that the Vestals had not previously possessed. Even if we assume that the Vestals were not penalised under the *lex Julia de maritandis ordinibus*, as seems reasonable, they also did not gain the advantages of the *ius liberorum*: an oversight which was corrected in 9 CE.

The legal advantages that were opened to Roman woman by the Augustan moral reforms appear to have had significant effects upon the Romans' perception of the Vestal cult. Certainly the Augustan period saw an unprecedented situation occur, when in 5 CE, no candidates were offered by to fill a position which had become vacant in the Vestal college. Dio makes it clear that the problem with Vestal recruitment in that year was not the result of a dearth of candidates:

ἐπειδὴ τε οὐ ῥαδίως οἱ πάνυ εὐγενεῖς τὰς θυγατέρας ἐς τὴν τῆς Ἑστίας ἱερατεῖαν ἐπεδίδουσιν, ἐνομοθετήθη καὶ ἐξ ἀπελευθέρων γεγεννημένας ἱερᾶσθαι. καὶ ὁ μὲν κλῆρος αὐτῶν, ἐπεὶ πλείους ἡμφεσβήτησαν, ἐν τῷ συνεδρίῳ παρόντων τῶν πατέρων σφῶν, ὅσοι γε ἵππευον, ἐγένετο, οὐ μέντοι καὶ τοιαύτη τις ἀπεδείχθη.<sup>122</sup>

Since the noblest families were not ready to give their daughter to the priesthood of Vesta, a law was passed that the daughters of freedmen could become priestesses.

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<sup>122</sup> Dio 55.22.5; cf. Suet. *Aug.* 31.3.

Since many made a claim, there was a casting of them by lot in the senate in the presence of their fathers, at least all those who were equestrian, but none of this status was appointed.

Noble families “*were unwilling to give their daughter to the priesthood of Vesta*”. This was an unprecedented situation. Only six women were needed to fulfil the requirements of the cult, but not one elite family could be found which was willing to offer their daughter to the service of Vesta. The families that traditionally offered daughters to Vesta (Dio’s ‘nobles’) were the patrician and plebeian families of Rome. The unwillingness of them to do so in 5 CE can be read as both an indictment against the diminution in the advantages that the cult had previously enjoyed relative to other Roman women, and as a political criticism of the Vestals’ increasingly close relationship with the emerging *domus Augusta*. I will discuss the first of these issues below while the conditions surrounding the second possibility will be discussed in Chapter Six.

I believe that the crisis in Vestal recruitment can be attributed in part to the fact that the Vestals’ legal and financial advantages, which served as a compensation for the requirements of their position, were weakened by the Augustan moral reforms. In regard to the recruitment issue in 5 CE, Crook has noted that “the [Vestal] rank was not worth the trouble and expenditure”.<sup>123</sup> This was demonstrably true in respect to the Vestals’ legal position in 5 CE. The Vestals, if not penalised under the Augustan moral reforms of 18 BCE, at that point were also without *all* the benefits conferred by the *ius liberorum*, as their gaining of it in 9 CE attests. The particular (financial) advantages that had been theirs during the Republican period had been, comparatively speaking, diminished by the privileges that Roman women could gain under the *lex Julia de maritandis ordinibus*.

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<sup>123</sup> CROOK (1996) 125.

It was not until the recruitment crisis of 5 CE that the Vestals' relative disadvantage when compared with women who had attained the *ius liberorum* was exposed as a matter of public concern. When the comparative diminishment of the Vestals' previously unique legal privileges is weighed against the onerous ritual duties required of them, such as eternal virginity, constant vigil of the flame, and the possibility of live burial, it is unsurprising that elite Roman families preferred to see their daughters married and bearing children in anticipation of attaining the *ius liberorum*. The legal compensations that had distinguished the Vestals from all other Roman women were no longer a strong inducement to join the cult. Irrespective of how integral the Vestals were believed to be to the Roman state on a symbolic level, the incentive to offer daughters had been compromised.<sup>124</sup> The grant of the *ius liberorum* to the Vestals under the *lex Papia et Poppaea* in 9 CE corrected one aspect of the legal deficiency, but it was not enough to return the Vestals to the enviable legal position that they had enjoyed prior to the moral reform legislation. Legal and financial concerns are not the only issues that need to be considered in an assessment of the Vestal crisis of 5 CE (I address other contributing factors in Chapter Six), but they cannot be ignored.<sup>125</sup>

An indirect consequence of the Augustan moral reforms suggested by the *ius liberorum* is the focus on children as a civic duty, which had the potential to intrinsically undermine the Vestal order. The penalties for childlessness and the privileges that could be accrued through children may have also had a negative impact upon the relative value of the virgin cult. In a socio-legal situation that valued maternity and rewarded fecundity as a civic duty,<sup>126</sup> the Vestals' symbolic importance needed to be weighed against the practical cost for families. The selection process of Vestals removed them from the *potestas* of their natal family.<sup>127</sup> By law a Vestal Virgin was without family, and presumably the family was also without her.

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<sup>124</sup> In terms of incentive, the Vestal recruitment issue appears from the Principate onwards to have been a matter of continuing concern. Under Tiberius, Tac. *Ann.* 4.16.4, notes that a decree for two million sesterces was awarded to the newly recruited Vestal Cornelia as a broad incentive to Romans to consider a priestly career.

<sup>125</sup> For other factors worth considering in regard to this topic, see Chapter Six, pp 279-81.

<sup>126</sup> For an overview of the encouragement of maternity that developed under Augustus and continued into the imperial period, see: DIXON (1988) 71-103; SEVERY (2003) 51-6; cf. the natural desire for children expressed in the *laudatio Turiae* 2.25-55 (WISTRAND).

<sup>127</sup> Gell. *NA* 1.12.9.

Offering a daughter to the priesthood under the Augustan moral regime meant technically losing a child, effectively drawing out the time it took for the family to achieve the *ius liberorum*.<sup>128</sup>

## THE VESTALS, LIVIA, AND THE *ARA PACIS AUGUSTAE*

While the legal standing of Livia changed after the death of Drusus in 9 BCE, her relative standing in regard to the Vestal Virgins had already been set in stone earlier the same year.<sup>129</sup> 9 BCE began positively for Livia. On her birthday, the 30<sup>th</sup> of January, the *ara Pacis Augustae* (Altar to Augustan Peace) was dedicated. The Altar to Augustan Peace was an explicit public recognition of Augustus' achievements in restoring peace to Rome by eliminating conflict, and it was one which Augustus himself was proud.<sup>130</sup> The *ara Pacis Augustae* was a work in progress for over four years and the culmination of its dedication on Livia's birthday must have been deliberate.<sup>131</sup> The term *pax Augusta* cannot help but draw comparison with other (conceptually) related ideals, such as the *pax deorum*.<sup>132</sup> The dedication of the structure on Livia's birthday appears to acknowledge that her role as

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<sup>128</sup> Offering a daughter to Vesta also constituted a high price for any family given that live births often did not survive into adulthood – consider, for example, Cornelia, mother of the Gracchi: DIXON (2007) 7.

<sup>129</sup> Drusus' death on campaign is believed to have occurred sometime during the summer months. Suet. *Claud.* 1.3 describes Drusus as dying in his summer camp. Livy *Per.* 142 claims that a month lapsed between Drusus sustaining injury and his death, making a date for his death after the dedication of the *ara Pacis* in January most likely.

<sup>130</sup> Augustus makes specific reference to the *ara Pacis* in the *RG* 12, including the institution of an annual sacrifice to be conducted there by the magistrates, priests and the Vestal Virgins. The importance attributed to the *ara Pacis* by Augustus is followed in the modern scholarship. A complete bibliography on this topic is not possible here, but notable recent works include: GALINSKY (1998) 141-55; CONLIN (1997); CASTRIOTA (1995); SPAETH (1994) 65-100; ZANKER (1988) 123, 172-9. For a more complete bibliography of scholarship on the *ara Pacis* prior to 1986, see: KOEPEL (1987) 152-6.

<sup>131</sup> The *ara Pacis Augustae* was voted upon in 13 BCE (*RG* 12) and dedicated in 9 BCE. For the dedication of the *ara Pacis* on the 30<sup>th</sup> of January, see: Ov. *Fast.* 1.709-24; *CIL* I.2 pp 212, 232; for the assertion that Livia's birthday also fell on the 30<sup>th</sup> of January: *Acta Fratrum Arvalium* (HENZEN) XXXIV (27 CE); XLIII (38 CE, also see *CIL* VI.2028 a.38). However, note: BARRETT (1999) 630-2. Livia also features among the processional figures of the external friezes, see: Appendix: Visual Evidence, Figure 1.

<sup>132</sup> A similar attitude is expressed by LITTLEWOOD (2006) xxii: "His new title [Augustus] carried the promise of a new covenant which united *pax deorum*, divine favour earned by Roman *pietas*, with *Pax Augusta*: Roman peace and prosperity purchased by victory at Actium".

Augustus' wife was pivotal to the peace which had been achieved, and that she shared his ideals.<sup>133</sup>

aram [Pacis A]u[g]ust[ae senatus pro] redi[t]u meo consa[c]randam [censuit] ad  
campum [Martium, in qua m]agistratus et sac[er]dotes [vi]rgines[que] V[est]a[les]  
ann[iver]sarium sacrific[ium] facer[e iussit].<sup>134</sup>

The senate decreed that an altar to Augustan Peace should be consecrated for my return [from Spain and Gaul] on the field of Mars, at which the senate ordered the magistrates, priests and Vestal Virgins to perform an annual sacrifice.

The Vestal Virgins were not only involved in the annual ritual held at the altar, but are believed to have been represented on the structure as well.<sup>135</sup> The frieze is small and the identification of the figures is difficult because the detail of the heads is missing. Even so, an argument has been put forward that these were Vestals on account of their dress.<sup>136</sup> Given the Vestals' role in the annual sacrifice at the *ara Pacis Augustae*, the representation of them on the monument is unsurprising. What is interesting about the representation of the Vestals on the *ara Pacis* is that the connection between them and Livia is not so strong as to be compelling.

Three adult women feature on the exterior processional south frieze, where some of the family members are grouped together:<sup>137</sup> Livia, Antonia Maior, and Antonia Minor.<sup>138</sup> For

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<sup>133</sup> Livia's involvement in the sacrifices marking Augustus' return from Spain in 24 BCE (Hor. *Carm.* 3.14.5-10), highlights her marital support for her husband's endeavours.

<sup>134</sup> *RG* 12.2 (COOLEY).

<sup>135</sup> For the identification of six damaged figures from the altar as Vestals: MORETTI (1975) 13. A more detailed examination of the Vestal frieze is provided by KOEPEL (1987) 141-3, fig 32. The same view is also expressed by CONLIN (1997) 101; and REHAK (2006) 101. Also see Appendix: Visual Evidence, Figure 3.

<sup>136</sup> MORETTI (1975) 13.

<sup>137</sup> Appendix: Visual Evidence, Figures 1, 2.

<sup>138</sup> KLEINER (1978) 757-9; KOEPEL (1987) 124-6. By way of comparison, the family members on the processional north frieze are not well preserved, making precise identification of individuals difficult:

our purposes as the important difference is the discrepancy in size and location of Livia's portrait when compared with that of the Vestals. Livia's portrait on the outside of the Altar is much larger and attracts more attention than the small frieze of the Vestals within. Drawing a strong connection between Livia and the Vestals here would be to overstate the case. The depiction of Livia on the *ara* when compared with the small frieze of the Vestals draws a sharp distinction between the relative importance of each. The Vestals are overshadowed by Livia; a situation which is physically realised in the diminution of the Vestals' status *vis à vis* Livia.

The dedication of the Altar on Livia's birthday, and Livia's prominent representation on the exterior frieze, confirms the *Augustan* character of the peace being celebrated. The exterior processional frieze stands as a tribute to the *domus Augusta*, not just Augustus himself. Bowerstock has argued that the south exterior processional friezes of the *ara Pacis Augustae* commemorates the day that Augustus became *pontifex maximus*,<sup>139</sup> proposing that:

“it may well be ... that we have on the Ara Pacis not only the precise commemoration of Augustus as a prince of peace, of Trojan ancestry ... the altar was also a reminder of an eternal cult, that of Vesta and her priest, the *pontifex maximus*”.<sup>140</sup>

But Bowerstock's interpretation cannot change the fact that there is a significant disjunction between the representation of Augustus' relatives on the exterior and the much smaller depiction of the Vestals on the altar itself. Given that *pax* was the leading impetus behind the Altar, the relatively minor visual reference to the Vestals is understandable, but this does not negate the message conveyed by the different friezes. The prominence of Livia on the *ara Pacis* emphasises the Vestals' smaller stature (literally and figuratively), and reflects the changes instigated by the Principate. In a reversal of the roles each had held prior to 35 BCE,

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Appendix: Visual Evidence, Figure 4; KOEPEL (1987) 135-7 does not provide a specific identification for any of the female figures.

<sup>139</sup> BOWERSTOCK (1990) 392.

<sup>140</sup> BOWERSTOCK (1990) 393.



the Vestals were no longer the pre-eminent group of Roman women. On the *ara Pacis* at least, the Vestals were superseded by the rise of Livia and the women of the *domus Augusta*. This visual representation of the Vestals corresponds to the altered legal position of the Vestals when compared to *matronae* which had occurred during the Augustan Principate. It also serves to place the Vestals in a diminutive position in regard to the other Roman priesthoods, many of which also feature in the large exterior processional friezes.

### THE VESTALS AND LIVIA AFTER AUGUSTUS

The award of privileges to Livia did not cease with the passing of Augustus, and these too increasingly draw parallels with those enjoyed by the Vestals. Such cases fall beyond the temporal scope of this thesis but are worth mentioning briefly as they attest to the clear association between Livia and the Vestals that developed after Augustus' death. In 14 CE, Livia was instituted as the priestess of Augustus' cult. As part of the accoutrements of her new position as priestess, Livia was granted the use of a *lictor* when she was performing as priestess.<sup>141</sup> Livia henceforth shared priestly status with the Vestals, and the use of a *lictor* drew further comparison with the Vestals, who had enjoyed the use of *lictors* since 42 BCE.<sup>142</sup>

In 23 CE, permission was granted to Livia to sit amongst the Vestals in the theatre.<sup>143</sup> There were some years between Livia's death in 29 CE and her elevation to divine status in 41 CE,<sup>144</sup> but the provisions that Claudius made for Livia emphasised her connection with the Vestals. Claudius arranged equestrian contests in honour of her and set up a statue of her in the temple to Augustus; the Vestals were charged with offering to her the appropriate

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<sup>141</sup> Dio 56.46.1.

<sup>142</sup> Dio. 47.19.4.

<sup>143</sup> Tac. *Ann.* 4.16.4.

<sup>144</sup> Suet. *Claud.* 11.

sacrifices.<sup>145</sup> By the time of Livia's deification, her standing in regard to the Vestals had come full circle. In 35 BCE Livia was awarded privileges that emulated those long-enjoyed by the Vestals; after Livia's deification the Vestals were charged with overseeing her cult.

## CONCLUSIONS

The aim of this chapter has been to examine how the legal developments between 35 BCE and 14 CE affected the Vestals, and in particular the extent to which the changing status of Livia and Octavia altered the Vestals' unique socio-legal status. Such a study has led to an examination of the Vestals in regard to Roman women more broadly. The chronology of the *ius liberorum* reveals that *matronae* were offered it first (in 18 BCE), that an exemption was made for Livia (in 9 BCE), and it was only after the Vestal recruitment crisis of 5 CE that the same exemption was granted to the Vestal Virgins (in 9 CE). There was a period of about thirty years between the initial legislation in 18 BCE and the date when the same advantages were granted to the Vestals in 9 CE. The perception that the legal advantages of the Vestals served as a model for the elevation of Livia and Octavia in 35 BCE clearly did not work both ways. There was a period where the Vestals languished behind Roman women, despite their previous legal advantages. For instance, the Vestals were awarded the *ius liberorum* well after it was made available to other women. The reason why the Vestals were not granted the *ius liberorum* in the initial legislation may have been based upon the fact that they lacked the requisite children. After the exceptional grant of the *ius liberorum* to Livia, however, the number of children a woman had was revealed to be a point open to negotiation in terms of being awarded the privilege. Even so, the Vestals still continued without the privilege of the *ius liberorum* until years later. Another plausible reason why the Vestals were not granted the *ius liberorum* in the initial legislation is that, given their unique status, it was felt that they did not fit the remit of the law. When setting out the moral reforms concerning marriage, the

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<sup>145</sup> Dio 60.5.2.

Vestals, given the requirement of their continuing virginal state, were probably not at the forefront of anyone's mind. Hence, the fact that the Vestals were not penalised under the moral reform legislation can aid us in understanding why they were not immediately granted the *ius liberorum*.

The privileges granted to Livia and Octavia from 35 BCE onwards placed these women in a relationship with the Vestals that held implications for understanding both groups and Augustus. It can be assumed that the closer the parallels between Roman citizen women and the Vestals, the greater the detrimental effect upon how the Romans' perceived the Vestals' importance. On the basis of the Vestals' sacro-social symbolism as the embodiment of the ideal female chastity,<sup>146</sup> it is reasonable to conclude that Livia and Octavia's partial assimilation to the Vestal Virgins enhanced their status in relation to other *matronae*. Accepting this interpretation, however, implies that the same 'elevation' of Livia and Octavia affected the Vestals' claim to unique status.

The closer Livia and Octavia drew towards the status of the Vestals, the less unique the position of the priestly body became. This phenomenon may go some way towards explaining why the ritual activities of the Vestals increased under Augustus, as it was through performance that the Vestals were marked out as a distinct collective.<sup>147</sup> In the context of Octavian's activities in and around 35 BCE the honours granted to Livia and Octavia created a heightened public profile for these women that could not avoid politicising them. These honours also drew parallels with the Vestals that suggest a similar increase in the Vestals' political capital. The inferred politicisation of the Vestals, as a consequence of the privileges bestowed on Livia and Octavia, mirrors the increased politicisation of the Vestals that can be observed in the new rituals that the Vestal cult took on under Augustus, and the role that they had already assumed as the custodians of documents. An examination of these concerns is the focus of the following chapter.

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<sup>146</sup> Cic. *Leg.* 2.29.

<sup>147</sup> See Chapter Six, esp. pp 247-52.

# VI

## TOPOGRAPHICAL CHANGES TO THE VESTAL CULT

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*In this chapter, I propose that the Vestals' changing topographical relationship with Rome is an important feature in understanding how the Vestals were affected by the transition from Republic to Principate. I approach the changes that occurred during the Augustan period from the perspective of how they affected the Vestals, an approach which has not been pursued in depth before. My examination includes a discussion of why location was important to the cult of Vesta and an analysis of the consequences that a new signum and ara to Vesta on the Palatine created in 12 BCE had upon the Vestals and the meaning of the cult.*

The Vestals' interaction with the topography of Rome altered during the transition from Republic to Principate. I propose that some of the changes in the Vestals' movements affected the way in which the Romans understood the Vestal cult because they marked an increased symbolic closeness between the Vestals and Augustus. Such changes are therefore pivotal to understanding how the Vestals were caught up in the shift from Republic to Principate. Some of these changes were related to the assumption of new rituals including annual sacrifices at the *ara Fortunae Reducis* and the *ara Pacis Augustae*. The most significant of these changes, however, was the creation of a *signum* and *ara* to Vesta on the Palatine in 12 BCE, and this will be the

major focus of the chapter. The creation of new cult objects to Vesta was symbolic of the profound change that Augustus' Principate had wrought in Rome, and physically linked the cult of Vesta with the house of Augustus.

The new cult objects to Vesta on the Palatine are pivotal for understanding the changing place of the Vestals in the emerging Principate. I will show how the new *signum* and *ara* challenged the place of Vesta in the universe, as it was presented in key ancient texts. I assess the creation of these new cult objects in light of how the Romans viewed space and location as signifiers of sacral meaning, and draw attention to the particular importance of location to the cult of Vesta. By doing so, I seek to emphasise just how radical Augustus' new *signum* and *ara* to Vesta were and how dramatically the Vestals were affected, both in regard to their movements within Rome, and in the cult's altered symbolic value. The location of these cult objects on the Palatine also revealed an increasing alignment between Vesta, Augustus, and the developing *domus Augusta*, with the connection that was established between domestic ritual and public cult.<sup>1</sup> This also influences our understanding of the public/private dichotomy, as part of Augustus' house was rendered 'public' after 12 BCE while the public/private status of the new cult objects remained ambiguous.

## **NEW ANNUAL RITUALS OF THE VESTAL VIRGINS**

In the course of Augustus' career he added new ritual duties to the Vestals' brief. Augustus publicised these in *Res Gestae* 11-12. An examination of these rituals reveals how the Vestal Virgins' duties were directly modified during the course of Augustus' rule:

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<sup>1</sup> Note SEVERY (2003) 101: "the festivals with which the new shrine's anniversary would be celebrated expressed the abundance and fertility, the rebirth and refoundation created for the whole Roman people by Augustus and his family's care of Vesta".

aram [Fortunae] Red[ucis a]nte aedes Honoris et Virtutis ad portam Cap[enam pro] red[itu me]o senatus consecravit, in qua ponti[fices et] vir[gines Ve]stal[es anni]versarium sacrificium facere [iussit eo] di[e quo, co]nsul[ibus Q(uito) Luc]retio et [M(arco) Vi]nic[i]o, in urbem ex [Syria redieram, et diem Augustali]a ex [c]o[gnomine] nos[t]ro appellavit.<sup>2</sup>

The senate consecrated an altar to Fortuna Redux before the *aedes* of Honor and Virtue at the *porta Capena* for my return, and ordered the *pontifices* and the Vestal Virgins to make an annual sacrifice at that place on the day which, during the consulship of Q. Lucretius and M. Vinicius, I returned to the city from Syria, and the senate called the day ‘Augustalia’ from my cognomen.

The Vestals, along with the *pontifices*, were obliged to perform an annual sacrifice in thanks for the return of Augustus to Rome, an event which can be dated to the 12<sup>th</sup> of October 19 BCE. It was not unprecedented for the Vestals to be involved in extraordinary events celebrating Octavian/Augustus. Dio states that in the wake of Antony and Cleopatra’s defeat at Actium, it was originally decreed that the Vestals, as well as senators and the general Roman population, were to greet Octavian when he entered Rome, although Octavian later declined that honour.<sup>3</sup> Dio further notes that the priests and priestesses were obliged to pray for Octavian during their annual *preces* for the people and the senate from 30 BCE onwards.<sup>4</sup> This second act can be assumed to include the Vestals. It was also not without precedent for the Vestals to be involved

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<sup>2</sup> RG 11 (COOLEY).

<sup>3</sup> Dio 51.19.1 (honour proposed), 51.20.4 (Octavian’s refusal). For a discussion of instances when Augustus officially returned to Rome and the protocol involved: DU QUESNAY (1995) esp. 135-43.

<sup>4</sup> Dio 51.19.7.

in rites that did not directly refer to Vesta;<sup>5</sup> however, the emerging connection with Augustus is evidence of a new pattern. This is especially the case for the annual sacrifice that was designed to celebrate the return of Augustus to Rome in 19 BCE. Given that the Vestals symbolically represented the safety of the state through their constant vigil of the eternal flame and guardianship of the *palladium*, the priesthood was well suited to sacrifice for the *safe* return of Augustus to Rome.<sup>6</sup> The implication of the Vestals' participation in the rite was that the safety of Augustus became increasingly aligned with the safety of the state.<sup>7</sup> In case the point was lost on the audience of the *Res Gestae*, Augustus reiterated the new direction taken by Vesta's cult:

aram [Pacis A]u[g]ust[ae senatus pro] redi[t]u meo consa[c]randam [censuit] ad campum  
[Martium, in qua m]agistratus et sac[er]dotes [vi]rgines[que] V[est]a[les ann]iver[sarium  
sacrific]ium facer[e iussit].<sup>8</sup>

The senate determined that an altar to Augustan Peace should be consecrated for my return [from Spain and Gaul in 13 BCE] near the field of Mars; they ordered the magistrates, priests, and Vestal Virgins to make an annual sacrifice at that place.

The *ara Pacis Augustae* was a monument that encapsulated particular Augustan ideals. Its significance in relation to Livia has already been touched upon in Chapter Five, but it was not

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<sup>5</sup> Such rites include the October Horse (Festus 190L, Ov. *Fast.* 4.731-2), the sacrifice to Bona Dea (Cic. *Har. resp.* 37) and the Fordicidia (Ov. *Fast.* 4.629-40).

<sup>6</sup> For further discussion on the Vestals' connection with safety see the Introduction pp 17-23.

<sup>7</sup> That the concept of safety had shifted to Augustus is suggested by: Hor. *Carm.* 1.2.41-52, where Octavian was identified as the saviour of Rome; on this point note NISBET, HUBBARD (1970) 17: "like Virgil he [Horace] looks for a saviour, whom he first described as *iuvēnis* (41) and only later as *Caesar* (52)". Also see Verg. *Geor.* 1.25-6, where Caesar (Augustus) is described as a potential guardian over Rome's cities and land: *urbesne invisere .../terrarumque velis curam*. Cf. the strong connection between the *princeps* and safety under the Flavians: Mart. 2.91. On the concept of *salus publica*, note also NOREÑA (2011) 140-4, and esp. 141-2: "with the emergence of monarchy, when the *res publica* became increasingly associated with the figure of the emperor, the *salus* of the state, of the community of citizens, and of the reigning emperor became, in principle, interdependent". For a more study including examination of *Salus*: FEARS (1981) *passim*.

<sup>8</sup> RG 12 (COOLEY).

this feature that Augustus drew attention to in his *Res Gestae*. Instead, Augustus focuses on those features directly concerned with the Altar: the senate which decided it should be built, and the groups who would sacrifice there: the magistrates, priests and Vestal Virgins. The terms *sacerdotes* and *magistratus* are inclusive, allowing for the greatest breadth of possibility in terms of the priests and magistrates involved. This suggests that the ideals that the *ara pacis Augustae* articulated were of state-wide concern. With one group though, Augustus makes his meaning precise: *virgines Vestales*. Augustus' specific reference to the Vestals in this context is important because it echoes his previous reference to them (in *RG* 11) and explicitly ties the Vestals with the concept of an Augustan peace. Prior to this, the Vestals' major concern had been the safety of the Roman state, and by extension, the *pax deorum*. Now the Vestals were not only associated with the *pax deorum* but with the *pax Augusta*. By specifying the attendance of the Vestals at both the *ara Fortunae Reducis* and the *ara Pacis Augustae*, Augustus drew an association between the values of the Vesta's cult and his position as *princeps*. In this association with Augustus, the Vestals (and Vesta) were subject to his wishes. Regardless of the symbolic value(s) of the cult prior to Augustus, the Vestals were now caught up in an association with him that they could not avoid; the values of Vesta's cult were becoming aligned with the *princeps*.

In topographical terms, while the annual sacrifice at the *ara Fortunae Reducis*, adjacent to the *aedes Honoris et Virtutis*, lay within the *pomerium*<sup>9</sup> and did not appreciably alter Vestal movements,<sup>10</sup> the situation was different in regard to the *ara Pacis*. The *ara Pacis Augustae* was situated on the via Flaminia, which headed north-west out of Rome, and was near the *campus Martius*.<sup>11</sup> Importantly for understanding the change to Vestal movement, the *ara Pacis*

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<sup>9</sup> For the location of the *aedes Honoris et Virtutis* as inside the *pomerium*: ZIOLKOWSKI (1992) 266.

<sup>10</sup> In *RG* 11, Augustus described the location of the *ara Fortunae Reducis* as outside the *aedes Honoris et Virtutis* which was itself located at the *porta Capena*. As discussed in Chapter One, p 56, n 54, it is reasonable to believe that the Vestals travelled daily to the *fons Camenae*, which was also in the vicinity of the *porta Capena*, in order to collect water to purify the *aedes Vestae*. As a consequence, the annual requirement to sacrifice at the *ara Fortunae Reducis* would not have taken the Vestals far beyond their usual daily movements.

<sup>11</sup> *RG* 12.



*Augustae* was outside the limits of the *pomerium*.<sup>12</sup> The *pomerium* marked the limits of *imperium*, it was the boundary associated with augury,<sup>13</sup> and it indicated the area of the *urbs* where burial of the dead was not generally permitted.<sup>14</sup> Broadly speaking, the Vestals' rituals were bounded by the *pomerium* so any addition that required them to act outside that boundary must be considered significant.<sup>15</sup>

The new annual ritual duties that Augustus added to the Vestals' calendar reflect the significant changes that the Principate brought to the practice of religion, as in each case it was not only the Vestals who were affected and required to perform different rituals. Importantly, Augustus' specific reference to the Vestals in connection with two divine manifestations - *Fortuna Redux* and *Pax Augusta* – helps us to understand how the cult of Vesta, among others, was brought into an association with the certain abstract concepts that sought to capture the character of the Principate.

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<sup>12</sup> The *pomerium* was most likely extended by Claudius to include the *campus Martius* area, see: BOATWRIGHT (1984) 37.

<sup>13</sup> Gell. *NA* 13.14. For a consideration of the importance of the *pomerium* to augury see: BEARD *et al* (1998) 23. One consequence of the *pomerium* is the restriction it placed on the location of certain temples. For an overview of the complexities (and disagreements) regarding the *pomerium*, note: RÜPKE (2007) 182; and SCHEID (2004) 276-7. Recent work has also challenged the relationship between that the *pomerium* and the concepts of *imperium domi* and *imperium militiae*, see: DROGULA (2007).

<sup>14</sup> Twelve Tables 10.1: *hominem mortuum in urbe ne sepelito neve urito*. Although the Twelve Tables do not preserve reference to the *pomerium* as the demarcation between 'inside' and 'outside' the city, this connection has been commonly inferred in secondary scholarship, for instance: TOYNBEE (1971) 48; BEARD *et al* (1998) 180; KYLE (1998) 214. The Vestals form a distinct anomaly to this general principle. Vestals charged with *incestum* were traditionally buried (alive) at the *porta Collina*, which was within the Republican *pomerium*. Cf. the protective qualities associated with the burial of Romulus within the city: Hor. *Epod.* 16.13-4 with discussion in WATSON (2003) 497.

<sup>15</sup> The farthest distance that the Vestals travelled for ritual purposes prior to their participation in the annual sacrifice at the *ara Pacis Augustae* was during the procession of the *Argei* held in March. Varro *Ling.* 5.45 notes that the *sacraria Argeorum* were located in four districts (*partes*) of the city: the Subura, Esquiline, Colline, and the Palatine, all of which are likely to have been within the *pomerium*. Although the area demarcated by the *pomerium* at this time is not known with absolute precision, by the Augustan period it can be reasonably be expected to have included six of the seven hills of Rome, excluding the Aventine (Gell. 13.14; more generally on the expanding *pomerium*: Livy 1.44). On the difficulties associated with our understanding of the *pomerium*, note: BOATWRIGHT (1986) 14-5; DROGULA (2007) 435-6.

In addition to new ritual duties, there was one change that dramatically affected the Vestals' topographical relationship with the city. The dedication of a *signum* and *ara* to Vesta in Augustus' home on the Palatine in 12 BCE demonstrated his unique influence over Rome, and, I argue, destabilised the Romans' traditional understanding of Vesta.

#### **A SIGNUM AND ARA TO VESTA ON THE PALATINE**

The new cult objects dedicated to Vesta on the Palatine will be the concern of the rest of the chapter. There are a number of elements which need to be established in order to fully appreciate how they affected the Vestal cult. First, I provide an overview of the position of *pontifex maximus* prior to Augustus' election to the position in 12 BCE, including an examination of the traditional residence of the *pontifex maximus* and Augustus' shift of the chief pontifical residence to the Palatine. This will be followed by an examination of the role of location as a signifier of sacral meaning in ancient Rome with specific reference to Vesta. Third, I discuss the unfolding of events in 12 BCE, from Augustus' election as *pontifex maximus* to the dedication of a *signum* and *ara* to Vesta, and provide an assessment of the significance of these new cult objects upon the Romans' understanding of the value of the Vestal cult.

The nature of the interaction between the Vestals and the *pontifex maximus* altered when Augustus was elected to the position in 12 BCE. The dynamic of that relationship was brought sharply into focus by Augustus' remaining in residence on the Palatine. Traditionally the *pontifex maximus* and the Vestals resided in close proximity to each other: the *pontifex maximus* in the *domus Publica* and the Vestals in the *atrium Vestae*, both near the forum.<sup>16</sup> When Augustus

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<sup>16</sup> Although the incessant campaigning of Julius Caesar and the exile of Lepidus meant that the two previous chief *pontifices* had been mostly absent from Rome for more than fifty years, the traditional residence of the *pontifex maximus* had been preserved.

became *pontifex maximus*, however, the topographical relationship in regard to the Vestals was modified. Augustus stayed in residence on the Palatine, and fulfilled his obligations as *pontifex maximus* with the dedication of a *signum* and *ara* to Vesta in his home. The creation of new cult objects to Vesta on the Palatine was a *spatial change* in an ancient cult that was *fundamentally* tied to its geography.

### ***I AM THE PONTIFEX MAXIMUS***

Octavian's/Augustus' relationship with the Vestal cult was initially established when he became a *pontifex* soon after achieving the *toga virilis*.<sup>17</sup> The connection with the Vestals was furthered when his mother and sister sought refuge with college during the tense period following the deaths of Hirtius and Pansa in 43 BCE.<sup>18</sup> As already noted, the relationship underwent certain changes in 12 BCE when he became *pontifex maximus*. Before considering the implications of this for the Vestals, an overview of the recent history of the highest pontifical position is necessary in order to fully appreciate the situation.

Julius Caesar was *pontifex maximus* from 63 BCE until his death in 44 BCE.<sup>19</sup> After the assassination of Julius Caesar, Marcus Aemilius Lepidus became *pontifex maximus*. According to Dio 44.53.6-7, Marcus Antonius (Antony) was instrumental in overseeing Lepidus' installation in the position, capitalising on the early chaos following the assassination of Caesar. Dio further intimates, apropos of the election of Lepidus conducted internally by the pontifical college, that Antony's motivation for placing Lepidus in the role was his fear of the latter's power. Although it is likely that Dio's representation of the circumstances surrounding Lepidus'

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<sup>17</sup> Nic. Dam. 8-9.

<sup>18</sup> App. BC 3.13.92.

<sup>19</sup> On the election of Julius Caesar as *pontifex maximus*: Suet. Iul. 13.

elevation to the position of *pontifex maximus* has been influenced by the negative tradition concerning Antony, it is nevertheless the case that Lepidus became *pontifex maximus*, and that this fact held implications for Octavian.

The election of priests at Rome had undergone a series of changes during the late Republic.<sup>20</sup> The election of the *pontifex maximus*, however, was a specific issue. Dio indicates that in 44 BCE the Senate voted that the position of *pontifex maximus* was henceforth to be considered a hereditary one, once vacated by Julius Caesar;<sup>21</sup> however, Dio's claim here needs to be weighed against Augustus' *election* to the same position in 12 BCE.<sup>22</sup> Augustus' reference to becoming *pontifex maximus* in *Res Gestae* 10 makes it clear that he saw himself (through the eyes of the public) as the natural successor of Julius Caesar. Notwithstanding the election of Lepidus in 44 BCE, Augustus implies in *Res Gestae* 10 that he had a legitimate claim to the position.<sup>23</sup> Certainly, Augustus' expressed sentiment confirms that the office of *pontifex maximus* was a source of tension between himself and Lepidus.

On the 27<sup>th</sup> of November, 43 BCE, the *lex Titia* confirmed Octavian, Antony and Lepidus as the triumvirs for the restoration of the *res publica*.<sup>24</sup> These arrangements were re-confirmed in 37 BCE,<sup>25</sup> but the triumvirate began to dissolve as early as 36 BCE, when Lepidus' attempt to gain

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<sup>20</sup> One aspect of the dispute was whether priests ought to be elected publicly or internally (*cooptatio*) by the priestly college.

<sup>21</sup> Dio 44.5.3.

<sup>22</sup> *RG* 10. For further discussion on the issue of selecting a *pontifex maximus*: TAYLOR (1942) 421-4; for an overview of the scholarly output discussing the legitimacy of Dio's claim at 44.5.3, see: RIDLEY (2005) 291 n. 75. Also see discussion of *RG* 10 in COOLEY (2009) 148-50. The key point to note here is that by the time of Lepidus' death, Octavian's *de facto* leadership of the pontifical college at Rome ensured his taking over as *pontifex maximus*.

<sup>23</sup> Note the attitude expressed at *RG* 10: *pontifex maximus ne fierem in vivi conlegae mei locum, populo id sacerdotium deferente mihi, quod pater meus habuerat, recusavi*. "I refused to become *pontifex maximus* in the place of my colleague during his lifetime, when the people were offering me this priesthood, which my father had held". The sentiment expressed by Augustus here is comparable with the view at Dio 49.15.3.

<sup>24</sup> For the arrangement of the second triumvirate: App. *BC* 4.1.2-3; Dio 46.55-56; Suet. *Aug.* 27.1

<sup>25</sup> For a discussion of the issues surrounding the period legally covered by the second triumvirate, and the major scholarship on the issue: LEVICK (2010) 51-3.



qua gravis Aeneas tutus ab hoste fuit,  
 ortus ab Aenea tangit cognata sacerdos 425  
 numina: cognatum, Vesta, tuere caput.  
 quos sancta fovet ille manu, bene vivitis, ignes:  
 vivite inextincti, flammaque duxque, precor.<sup>32</sup> 428

The divinity of eternal Caesar presides over the eternal flames:<sup>33</sup> you see the guarantees of *imperium* joined together. Ancient gods of Troy, a most worthy prize for him that bore it [and] weighed down by which, Aeneas was safe from the enemy, a priest from the line of Aeneas touches your related divinities. Vesta, protect your kinsman's head. The fire, which is maintained by his sacred hand, you live well. I pray that both flame and leader live unextinguished.

Ovid's suggestion that Caesar's divinity is one of the *pignora imperii* effectively links Augustus as *pontifex maximus* with the guarantees of Roman *imperium*.<sup>34</sup> Ovid also constructs the relationship between Vesta and Augustus as a symbiotic one - *Vesta, tuere caput. / quos sancta fovet ille manu, bene vivitis, ignes*. The statement further suggests that Augustus was now responsible for the care of the eternal flame – his care of Vesta's flame supplements the Vestals' care of the flame. Herbert-Brown viewed Augustus' tending to Vesta's flame as a "divinity presiding over the eternal flame of Vesta" and notes that: "his [Augustus'] decision to make a dedication to Vesta in his own home enabled him to bring about the significant change to greater intimacy in that relationship with all its implications ... Now a primary relationship of a sacred

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<sup>32</sup> Ov. *Fast.* 3.421-8.

<sup>33</sup> It is likely that Ovid intended for 'Caesar' to be taken both ways, as reference to both the divine Julius Caesar, and his son (who accrued divine characteristics through association).

<sup>34</sup> BÖMER (1958) 2.172; note also the comment of WAGENVOORT (1966/1980) 216: "Two themes are strongly emphasised here [i.e. in Ov. *Fast.* 3.417ff], the everlasting divinity of Augustus in relation with the everlasting fire as a guarantee of the survival of Rome, and the Trojan origin of Vesta which makes the *princeps*, descendant of Aeneas, her kinsman".

nature between Augustus and the goddess of the Roman hearth has been created”.<sup>35</sup> Certainly, Augustus’ complex relationship with Vesta was one which he would develop materially in the years that followed 12 BCE, and one which reveals that there was a substantial difference between *acting* in the place of an exiled *pontifex maximus* and *being pontifex maximus*.<sup>36</sup>

### THE TRADITIONAL RESIDENCE OF THE *PONTIFEX MAXIMUS*

The identification of the traditional residence of the *pontifex maximus* is contentious. The literary sources suggest that the *pontifex maximus* resided in either the *domus publica* or the *regia*, both of which were located near the *aedes Vestae*.<sup>37</sup> Scholarship has also produced a variety of interpretations as to the location and identification of the residence of the *pontifex maximus*.<sup>38</sup> The debate continues, as recent archaeological work on the region around the *aedes Vestae* has presented a new interpretation of the physical remains.<sup>39</sup>

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<sup>35</sup> HERBERT-BROWN (1994) 66, 69.

<sup>36</sup> For the broad differences between Augustus’ activities prior to 12 BCE and then after becoming *pontifex maximus*, see: SCHEID (2005) 188-92.

<sup>37</sup> Suet. *Iul.* 46 (*domus publica*); Serv. *ad Aen.* 8.363 (*regia*); cf. Plut. *Num.* 14.1, where the *regia* is identified as one of the residences of Numa.

<sup>38</sup> In favour of viewing the *regia* as the residence of the *pontifex maximus*: LANCIANI (1897) 219. For further work on the *regia*, see: BROWN (1966) 47-63. In favour of viewing the *domus publica* as a single specific building: DUMSER (2002) 115; FAVRO (1996) 125; ‘Domus Publica’ *LTUR* 2 (SCOTT); COARELLI (2007) 89, viewed the *domus publica* as Caesar’s residence, affiliated with the position of *pontifex maximus*, and also linked with the *domus* of the *rex sacrorum*. For other important work concerning the *domus publica* and surrounding area: JORDON (1886) plan 1; VAN DEMAN (1909) 9-14 + Plan A; BARTOLI (1961) fig. 1. For an unorthodox view, note: CARANDINI (2008) 55-7, 77-8 + figures, who positioned the (post 12 BCE) *domus publica* within Augustus’ Palatine complex (see esp. figs. 24, 84-5), and containing the cult objects of Vesta, such as the *palladium* (figs. 37a-b). For a critique of Carandini, see: WISEMAN (2009) 527-545. Although Wiseman does not discuss the issue of the *domus publica* in this review, the strength of the criticisms brought against Carandini on other matters raise serious questions about the relevance of Carandini’s work in furthering scholarly understanding of the Palatine’s topography.

<sup>39</sup> In ARVANITIS (ed.) (2010) fig. 6, Filippi has identified two separate areas in the same complex of buildings as the *domus regis sacrorum* and the *domus publica*. In this reconstruction, the *atrium Vestae* shares a wall with both the *domus regis sacrorum* and the *domus publica*. This suits the claim by Dio 54.27.3 that the house of the *rex sacrorum* shared a wall with the *atrium Vestae*.

The varied written evidence and the continuing debate in regard to the archaeological evidence is indicative of the challenges attendant upon the study of the Roman topography of the Republican and the Augustan periods. The important point amongst these varied accounts for this study is the consensus that both the *regia* and the *domus publica* were situated on the *Sacra via* near to the *aedes* and *atrium Vestae*.<sup>40</sup> Prior to Augustus the *pontifex maximus* lived in very close proximity to the Vestal Virgins. The difficulty in assigning a precise location of the building in which the *pontifex maximus* lived prior to Augustus does not adversely affect our understanding of the ramifications for the Vestals that attended his becoming *pontifex maximus* in 12 BCE; the significant fact is that the traditional close proximity between the *atrium Vestae* and the residence of the *pontifex maximus* was lost when Augustus became *pontifex maximus*. The discussion that follows addresses the consequences of this change.

#### THE RESIDENCE OF AUGUSTUS, *PONTIFEX MAXIMUS*

Dio provides the best account of the events following Augustus becoming *pontifex maximus* in regard to the situation regarding the official residence:

ἐπειδὴ τε τοῦ Λεπίδου μεταλλάξαντος ἀρχιέρεως ἀπεδείχθη καὶ διὰ τοῦθ' ἡ βουλὴ  
ψηφίσασθαι [...] αὐτῷ ἠθέλησεν, οὔτε τι αὐτῶν προσήσσεσθαι ἔφη, καὶ ἐγκειμένων οἱ  
ἐξανέστη τε καὶ ἐξῆλθεν ἐκ τοῦ συνεδρίου. καὶ οὔτε ἐκεῖνα ἔτ' ἐκυρώθη οὔτ' οἰκίαν  
τινὰ δημοσίαν ἔλαβεν, ἀλλὰ μέρος τι τῆς ἑαυτοῦ, ὅτι τὸν ἀρχιέρεων ἐν κοινῷ πάντως

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<sup>40</sup> Suet. *Iul.* 46 located the *domus publica* on the *Sacra via*. The location of the *regia* is often identified as a small trapezoidal building on the *Sacra via*: 'Regia' *LTUR* 4 (SCOTT); COARELLI (2007) fig. 13; however, cf. ARVANITIS (ed.) (2010) fig. 6, where the same structure has been labelled as the *Sacrarium Martis et Opis Consiviae*.



οἰκεῖν ἐχρήν, ἐδημοσίωσεν. τὴν μέντοι τοῦ βασιλέως τῶν ἱερῶν ταῖς ἀειπαρθένοισ  
ἔδωκεν, ἐπειδὴ ὁμότοιχος ταῖς οἰκήσεσιν αὐτῶν ἦν.<sup>41</sup>

After the death of Lepidus, he [Augustus] was appointed *pontifex maximus* and on account of this the senate wished to vote him [...]; but he would not accept any of them, and [when] the senate insisted, he stood up and left the meeting. And these things were not confirmed, nor did he receive any official residence [οἰκίαν δημοσίαν], but as it was absolutely part of the duty of the *pontifex maximus* that he should live in a public residence [ἐν κοινῷ], he converted part of his own to public use. The house of the *rex sacrorum*, however, he [Augustus] gave to the Vestal Virgins, because it shared a common wall with their residence.

In place of accepting the official residence of the *pontifex maximus*, Augustus appears to have made alternative arrangements. From Dio's sequence of events, it can be immediately inferred that the traditional residence of the *pontifex maximus* was a public (κοινόν) building and Augustus considered that the *public* character of such a space was more important than the *physical* location of the space in question.<sup>42</sup> So Augustus as *pontifex maximus* was immediately at a remove from the Vestals – not taking up residence on the *Sacra via*, but instead making adjustments to his own residence on the Palatine.<sup>43</sup>

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<sup>41</sup> Dio 54.27.2-3. Note that Ov. *Fast.* 3.415-28 pinpoints Augustus' assumption of the position to the 6<sup>th</sup> of March, 12 BCE.

<sup>42</sup> Given that it is likely that any *pontifex maximus* would continue to retain properties that he owned prior to taking on the role, the official residence for the position was symbolically important and in keeping with *mos maiorum*. Suet. *Iul* 46, noted that Julius Caesar lived in the official residence, which suggests that being "in residence" was also traditional for the *pontifex maximus*.

<sup>43</sup> The Palatine had steadily undergone a process of architectural change that had begun in 36 BCE when part of Octavian's private land was dedicated to Apollo. The temple to Apollo *Palatinus* was vowed in 36 BCE (Dio 49.15.5) and dedicated in 28 BCE (Dio 53.1.3). The *domus Augusti*, the temple to Apollo *Palatinus* and the *arcus Octavii*, with its Apollo and Diana *quadriga* (Plin. *HN* 36.36), were each architectural means by which the Palatine assumed an Augustan character. For a discussion of Octavian's relationship with Apollo in regard to the visual

Dio appears to connect Augustus' decision to convert his own house to public use with giving the house of the *rex sacrorum* to the Vestals. The Vestals were no strangers to the acquisition of property;<sup>44</sup> even so, the house of the *rex sacrorum* was not just another title to add to an individual's portfolio. Dio suggests that the Vestals received this property from Augustus as a collective. In this light, Augustus' giving the house of the *rex sacrorum* to the Vestals might be read as a compensation of sorts for shifting the residence of the *pontifex maximus* away from the *Sacra via*.

In addition to staying in residence on the Palatine, Augustus created a new area for the worship of Vesta that was closely associated with his *domus*. Ovid stated under the *Fasti* entry for the 28<sup>th</sup> of April (12 BCE) that three divinities shared Augustus' home:

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evidence, see: ZANKER (1988) 48-53. The architectural character of the Palatine became increasingly reflective of Augustus' presence and can also be considered to reflect his aims.

It was not only the architectural changes that gave the Palatine an increasing Augustan character, the awards that adorned the *domus Augusti* are significant for understanding how the Palatine accrued meaning for Augustus. On the 13<sup>th</sup> of January in 27 BCE, Octavian was awarded laurels and the *corona civica* for his service in saving the state through his defeat of Antony and Cleopatra (*RG* 34; Dio 53.16.4). A few days later on the 16<sup>th</sup> of January 27 BCE, Octavian was voted the title Augustus as an additional commemoration, although cf. *Ov. Fast.* 1.587-616, who dated the award of the title 'Augustus' to the 13<sup>th</sup> of January. The award of the *corona civica* to Augustus echoed the same award granted to his adoptive father Julius Caesar for his role in the attack on Miletus in 80 BCE (*Suet. Iul.* 2). These items were among the most prestigious awards that could be attained by an individual Roman citizen and it can be discerned from *RG* 34, and Ovid's *Fasti* 1.613-4 and 4.953-4, that Augustus displayed both the laurels and the *corona civica* around the door to his Palatine residence. The *corona civica* could be awarded to any private citizen and yet it was publicly displayed on the outside of the citizen's home. More importantly, the *corona civica* was not to be removed from the house where it was originally displayed, note: *Plin. HN* 35.7: *alia foris et circa limina animorum ingentium imagines erant adfixis hostium spoliis, quae nec emptori refigere liceret, triumphabantque etiam dominis mutatis aeternae domus*. "Around doorways and other thresholds there were other images of the mighty spirits, with the enemy's *spolia* affixed, which even a purchaser was not permitted to detach, and the houses eternally celebrated a triumph even though they changed their masters". Given the fact that if Augustus moved he would no longer be able to display his personal awards, the mystery of why Augustus chose to divide up his Palatine home, rather than move into the traditional residence of the *pontifex maximus*, is resolved. By dividing his home into public and private sections, Augustus was able to remain in residence in the home where his *corona civica* and laurels were displayed, and accommodate a new statue and altar to Vesta. The division of the house stands as an expression of compromise between Augustus and the state in regards to the acceptable demarcation of space. For further discussion of the architecture of aristocratic houses, including Augustus' Palatine residence, see: WISEMAN (1987) 393-413.

<sup>44</sup> Antistius Labeo in *Gell. NA* 1.12.1-5 indicates that the Vestals were not only *sui iuris*, but able to make decision without recourse to a *tutor*; this enabled them to manage their own property portfolios. In addition the defence that Crassus mounted during the *incestum* case involving the Vestal Licinia centres on the premise that Crassus had met with Licinia in order to negotiate the sale of one of her properties (*Plut. Crass.* 1). The Vestals legal differentiation from other citizen women is discussed in Chapter Five *passim*.

cognati Vesta recepta est  
 limine: sic iusti constituere patres. 950  
 Phoebus habet partem. Vestae pars altera cessit:  
 quod superest illis, tertius ipse tenet.  
 state Palatinae laurus, praetextaque quercu  
 stet domus: aeternos tres habet una deos.<sup>45</sup> 954

Vesta has been received across the threshold of her kinsman: thus the righteous senate has decreed. Apollo inhabits a part. A second part has been granted to Vesta: what is left after them, he himself [i.e. Augustus] occupies as a third party. Long live the laurels of the Palatine, long live the house fronted with oak: one house keeps three eternal gods.

Such a sentiment is corroborated by another passage from Ovid's *Metamorphoses*:

Vestaque Caesareos inter sacrata penates  
 et cum Caesarea tu, Phoebe domestice, Vesta<sup>46</sup> 865

And Vesta consecrated among the Caesarian *penates*, and, you domestic Apollo, with Caesarian Vesta...

The *Fasti Praenestini* and *Fasti Caeretani* entries for the 28<sup>th</sup> of April provide other pertinent details:

Feriae ex s(enatus) c(onsulto), quod eo di[e signu]m et [ara?]

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<sup>45</sup> Ov. *Fast.* 4.949-54.

<sup>46</sup> Ov. *Met.* 15.864-5.

Vestae in domu Imp. Caesaris Augu[sti po]ntif. max.

dedicatast Quirinio et Valgio co(n)s(ulibus)<sup>47</sup>

Holy day according to senate decree, because on that day a *signum* and *ara* of Vesta were dedicated in the house of Emperor Caesar Augustus *pontifex maximus* in the consulship of Quirinus and Valgius [12 BCE]

Loedi Flor(ae). Fer(iae), q(uod) e(o) d(ie) sig(num) Vest(ae) in domo P(alatina) dedica(atum).<sup>48</sup>

Games of Flora. Holiday, on which day the *signum* of Vesta was dedicated in the Palatine house.

The suggestion that there was a literal sharing of space by divinities in Augustus' residence, which is put forward by the Ovidian passages is also supported by the *Fasti Praenestini* which details that cult items were dedicated to Vesta on the Palatine in 12 BCE. The addition of a *signum* and an *ara* dedicated to Vesta on the Palatine suggests that at least part of the tradition concerning the residence of the *pontifex maximus* on the *Sacra via* was believed by the Romans to be associated with the proximity that it shared with Vesta. Once Augustus removed the *pontifex maximus* from the residence on the *Sacra via*, it was necessary for Vesta to follow.

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<sup>47</sup> DEGRASSI (1963) 13.2: 133 = CIL I<sup>2</sup>.236 (*Fasti Praenestini*). There are various reconstructions of the missing text when Degrassi reads [*signu*]m et [*ara*]. MOMMSEN (CIL I<sup>2</sup> 1.236) reconstructed the first line as '[*aedicul*]a et [*ara*]'. GUARDUCCI (1964) 166, proposed a further re-interpretation of the *Fasti Praenestini* reading [*signu*]m et [*aedis*]. CODY (1973) 48-9, critiqued both Mommsen's and Guarducci's reconstruction and endorsed Degrassi's reconstruction. There is also disagreement in regard to the interpretation of [*signu*]m in the context of the *Fasti Praenestini*, and *Fasti Caeretani*. *Signum* has generally been translated as "statue" (note CODY (1973) 49; CARANDINI (2008) 81, figs. 40-1); however, MCDANIEL (Diss., University of North Carolina 1995) 81-5, has argued that *signum* in this context is a reference to the *palladium* (the implications of this interpretation are discussed later in this chapter).

<sup>48</sup> DEGRASSI (1963) 13.2: 66 (*Fasti Caeretani*).

One difficulty that complicates our understanding of the Palatine dedications to Vesta is the public/private demarcation of space. We know that Augustus made *part* of his house public in 12 BCE (Dio 54.27.3, quoted above). Ovid's description of the new space to Vesta in the *Fasti* 4.949-54 (quoted above), and the entry on the dedications in the *Fasti Praenestini* and *Fasti Caeretani* strengthens the likelihood that the area which housed the *signum* and the *ara* was made public.<sup>49</sup> If the worship of Vesta in Augustus' house were private it would have been ostensibly no different to the worship of Vesta performed in any other Roman household, and consequently, there would have been no need to include the dedication of the cult objects in any *Fasti*.<sup>50</sup> The issue of the public/private divide appears to have been reconciled by 3 CE; according to Dio 55.12.4-5, in that year the *domus Augusti* had to be rebuilt after a fire and at the same time the entire building was converted to state property.<sup>51</sup> The period between 12 BCE and 3 CE then marks a distinct phase in the relationship between the public character of the Palatine dedications to Vesta and the private character of the rest of Augustus' residence.

If we work from the assumption that the Palatine dedications to Vesta were public, then it is reasonable to assume that the Vestals would have had a role in the management of them. The involvement of the Vestals on the Palatine is supported by the visual evidence. It is most likely that the Palermo Relief and Sorrento Base both depict Vestals outside the Palatine dedications to Vesta.<sup>52</sup> Both reliefs depict a circular building that strongly resembles the *aedes Vestae*, with a

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<sup>49</sup> Note WISEMAN (2009) 531: "No doubt it was in the public part of the property that Augustus set up the shrine of Vesta in 12 B.C."

<sup>50</sup> The private worship of Vesta centred upon the hearth-fire: Cic. *Nat.* 2.67-8; Ov. *Fast.* 6.301-2; Firmicus Maternus 14.3.

<sup>51</sup> SWAN (2004) 139.

<sup>52</sup> For the Palermo Relief see 'Hestia/Vesta' *LIMC* 5.1 fig. 42; for the Sorrento Base see 'Hestia/Vesta' *LIMC* 5.1 fig. 25. There are a variety of positions held in regard to the correct identification of the circular building depicted on the Sorrento Base and the Palermo relief. In favour of seeing the Sorrento Base as a depiction of the Palatine, see: RIZZO (1932) 37, 'Vesta, ara, signum, aedes (in Palatio)' *LTUR* 5 (CAPELLI). In favour of seeing both the Palermo and Sorrento reliefs as depictions of the Palatine dedications to Vesta: GUARDUCCI (1964) 158, 165; CARANDINI (2008) 77-8; In favour of seeing the Sorrento Base as a depiction of the *aedes Vestae* on the *via Sacra*, consider the arguments of: DEGRASSI (1955) 150-2. For an overview of some of the scholarship and an acknowledgement of the complexities of the problem, see: KOLBE (1966/7) 101-3. On the identification of the Vestals on the Palermo Relief: CAPELLI (1990) 29.

statue (the *palladium* or *signum*) inside. Importantly both reliefs also depict Vestals (amongst others) outside the building. If it is the case that the Palermo and Sorrento reliefs are representations of the Palatine dedications to Vesta, as seems likely, then the Vestals cannot be excluded from ritual involvement at the new cult site. More difficult to establish is how frequently the Vestals attended the new cult area. Our understanding in regard to this point is complicated by the connection between Vesta and Livia that arose because the new cult objects were closely affiliated with Augustus' *domus*, which has led to the suggestion that Livia was primarily responsible for their day-to-day care.<sup>53</sup> Livia's proximity to the new Palatine dedications, however, does not necessarily exclude the Vestals from attending to them as well.

Another difficulty is the *form* assumed by the dedicated cult objects. Recently Gradel has noted the confusion, viewing the dedication of the *signum* and *ara* on the Palatine as constituting an additional shrine to Vesta: "here [on the Palatine] he [Augustus] set up a shrine to Vesta, a replica, apparently, of Vesta's old sanctuary in the forum (which, confusingly, continued to exist)".<sup>54</sup> Gradel has pinpointed one of the essential issues which continues to concern scholars – what form did the new dedications to Vesta take, and to what extent, if at all, did it resemble the *aedes Vestae*, the traditional location for the public worship of Vesta? Attempts to answer this question have generated such a variety of scholarly theories as to demonstrate, if nothing else, that the exact form of the Palatine cult to Vesta continues to be a highly contested topic.<sup>55</sup> In terms of the Vestals' topographical relationship with Rome, however, only one aspect relating to the *form* of the new dedications needs to be addressed, as it holds significant implications for the

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<sup>53</sup> SEVERY (2003) 135: "the Vestals tended the sacred hearth of the community of Rome, which Livia now did in her own home".

<sup>54</sup> GRADEL (2002) 115.

<sup>55</sup> Previous scholarship on the issue includes: GUARDUCCI (1964), (1971); KOLBE (1966-7); RADKE (1981) 363; FISHWICK (1987-1992) 1.1.88 n. 37; MCDANIEL (Diss., University of North Carolina 1995) 81-5; For further discussion of some of these scholarly views note: SIMPSON (1991) 452-3, esp. n. 16; For an overview of the evidence and a more extended bibliography: 'Vesta, ara, signum, aedes (in Palatio)' *LTUR* 5 (CAPELLI); A recent work on the issue is: CARANDINI (2008) 77-81, figs. 37a-41.

Vestals' role in the cult during the Principate, and that concerns the location of the *palladium* after 12 BCE.

### THE CONTENTS OF THE *PENUS*

As mentioned in the Introduction, the *sacra* were stored in the *penus* of the *aedes Vestae* and hidden from the view of most citizens. The *sacra* were also referred to as *pignora imperii* 'guarantees of *imperium*'.<sup>56</sup> Both Dionysius of Halicarnassus and Plutarch emphasise in their discussion of the possible objects that make up the *sacra* that they are engaging in speculation.<sup>57</sup>

While it is clear from the sources that the content of the *penus* was open to debate, some objects were more popular inclusions than others. One school of thought believed that the sacred fire was the only item;<sup>58</sup> others that the *sacra* consisted of items originally from Samothrace, which had been brought to Rome by Aeneas via Troy and included the *palladium*.<sup>59</sup> Plutarch further makes reference to two small jars that had a connection with the temple of Quirinus.<sup>60</sup> Another tradition includes the *fascinus*, a phallus shaped talisman, in the *sacra*.<sup>61</sup> Littlewood, drawing on our understanding of Vestal ritual practice, notes the following items were at various times of the year stored in the *penus*:

“[the] sacred *fascinus* ... the Palladium ... water, *mola salsa*, salted meal ... [and at certain times] the ashes from the October horse and those of the calf foetus sacrificed at the *Fordicidia* in April”.<sup>62</sup>

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<sup>56</sup> For instance: Livy 5.52.7.

<sup>57</sup> Dion. Hal. *Rom. Ant.* 2.66.2; Plut. *Cam.* 20.3, 5.

<sup>58</sup> Dion. Hal. *Rom. Ant.* 2.66.2; Plut. *Cam.* 20.3.

<sup>59</sup> Dion. Hal. *Rom. Ant.* 2.66.5; Plut. *Cam.* 20.5.

<sup>60</sup> Plut. *Cam.* 20.6.

<sup>61</sup> Pliny *HN* 28.39 makes reference to the worship of *fascinus* as entrusted to the Vestal Virgins; Festus 296L, Varro *LL* 5.157.

<sup>62</sup> LITTLEWOOD (2006) 73.

Given that items such as the water, *mola salsa*, salted meal, and ashes are not included by ancient writers as part of the *sacra* we can assume that there was an overlap between the items considered to make up the *sacra*, which were stored in the *penus*, and the items which were stored in the *penus* for convenience.

Mekacher also makes reference to the continuing speculation regarding the contents of the *penus*:

“Um so zahlreicher sind deshalb antike und moderne Spekulationen: Häufig wird das Palladium erwähnt – das Kultbild der trojanischen Athena, welches Aeneas nach Italien gebracht haben soll. Auch die Penaten werden oft mit Vesta und ihrem Tempel verbunden. Vereinzelte Erwähnungen finden ein Phallus (Fascinus), die samothrakischen Götter, die Dardanus nach Troja mitgenommen hatte, zwei Gefässe und Weiteres.”<sup>63</sup>

Despite the speculation, the ancient literary record confirms that the Romans considered the *palladium* to be a central item of the *sacra*. The importance of the *palladium* as an item of the *sacra* is emphasised by Dionysius of Halicarnassus who provides a narrative for how the *palladium* came into the possession of the Romans and the belief that it was in the care of the Vestal Virgins.<sup>64</sup> The importance of the *palladium*, and its possession by the Vestals, is further substantiated by the stories of it being saved from the *aedes Vestae* in times of danger.<sup>65</sup> Given the Roman understanding that the *palladium* was a crucial part of the *sacra*, and the *sacra* were essential to the continuation of Roman *imperium*, any suggestion that the *palladium* had been

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<sup>63</sup> MEKACHER (2006) 57.

<sup>64</sup> Dion. Hal. *Rom. Ant.* 1.69; Ov. *Fast.* 6. 417-36.

<sup>65</sup> The *sacra* are reported to have been removed from the *aedes Vestae* during the Gallic invasion of 390 BCE: Livy 5.40; Plut. *Cam.* 21. Also consider the removal of the *palladium* from the *aedes Vestae* by L. Caecilius Metellus in c. 241 BCE: Cic. *Scaur.* 48. For further discussion of the Cicero passage, see the Introduction, p 11-13; also cf. Pliny *HN* 7.141; Val. Max. 1.4.5. Other sources are less specific, referring to the rescue of sacred objects: Dion. Hal. *Rom. Ant.* 2.66. 4-5; Livy *Per.* 19; Ov. *Fast.* 437-54 (although the context of the narrative in the *Fasti* suggests that the *palladium* is almost certainly being discussed here).



permanently removed from the *aedes Vestae* needs to be considered seriously in light of the changing political situation in Rome.

### THE PALATINE DEDICATIONS TO VESTA AND THE *PALLADIUM*

The *palladium* was an archaic cult statue of Athena traditionally associated with the safety of Troy and brought to Rome by Aeneas.<sup>66</sup> In accordance with Roman belief, the *palladium* was thenceforth considered to be a *pignus imperii* of Rome and was stored in the innermost room (*penus*) of the *aedes Vestae* where it was kept in the care of the Vestal Virgins, beyond view of the citizenry. Although the *palladium* was traditionally in the charge of the Vestals, the location of the *palladium* under Augustus has been subject to a variety of interpretations on account of the visual evidence such as the Palermo Relief and Sorrento Base which, among other things, depict a statue within a round temple. The round temple in these reliefs is often identified as connected with Augustus' *domus* on the Palatine, while the statue is usually identified as the *palladium*.<sup>67</sup>

In regard to the location of the *palladium* there are a variety of scholarly views. Some believe that the *palladium* was duplicated on account of the visual evidence which suggests that the Palatine cult to Vesta had a statue inside.<sup>68</sup> It is not clear why the statue connected with Vesta on the Palatine is so frequently identified as the *palladium*. It is plausible to assume that the statue

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<sup>66</sup> AUSTIN (1964) 83-5.

<sup>67</sup> On the identification of the reliefs with the Palatine see p 247, n 52 above; on the identification of the *palladium* see: RIZZO (1932) 27-8; with more caution, DEGRASSI (1955) 150; GUARDUCCI (1971) 95 (on the Sorrento Base); CAPPELLI (1990) 31.

<sup>68</sup> 'Palatium' *RE* (ZIEGLER) 60-2, suggested that there were two *palladia*, one stored in the *aedes Vestae* and the other among the Palatine dedications to Vesta; for a critique of this position, see: DEGRASSI (1955) 150; however, note CAPPELLI (1990) 19-33, for a renewal of the of the argument that there were two *palladiums*. GUARDUCCI (1964) 165-6, argued that the *palladium* displayed on the Palatine was a copy of the original, or an idealised representation, noting that "Il semplice buon senso impedisce di ammettere che Augusto abbia voluto privare il tempio del Foro di un così venerando cimelio"; in later work, GUARDUCCI (1971) 109-110, modified her earlier thesis, proposing that these depictions of the *palladium* were less likely to be evidence that Augustus had made a copy of the relic, but rather that the depictions were a visual signifier that allowed the circular temple to be easily classified as associated with Vesta.

depicted in the visual evidence is the *signum* referred to by the *Fasti Praenestini* and *Fasti Caeretani*; however, there is no way to be certain whether the *signum* dedicated on the Palatine was a reproduction of the *palladium*. Nevertheless, McDaniel has recently argued that the *palladium* was removed from the *aedes Vestae* and was stored on the Palatine.<sup>69</sup>

On the basis that the *aedes Vestae* was caught in a conflagration and the *palladium* was removed for safe keeping to the Palatine in 14 BCE,<sup>70</sup> McDaniel has proposed that the *palladium* subsequently came into Augustus' care.<sup>71</sup> According to McDaniel, Augustus did not return the *palladium* to the *aedes Vestae*, as was customary, but instead held on to it himself and later re-housed it in a 'small temple' to Vesta on the Palatine.<sup>72</sup> If McDaniel's interpretation is correct, then we would be forced to acknowledge that the strong Republican tradition of storing the *palladium* in the *aedes Vestae* was broken by Augustus. The ramifications for the Roman understanding in regard to the significance of the Vestal cult under these circumstances would be profound. Before we can accept that Augustus engaged in such a break with the *mos maiorum*, however, it is well to note that the dates do not fit easily with McDaniel's interpretation. There is an unaccounted for gap between 14 BCE, when the *palladium* was removed from the *aedes Vestae*, and 12 BCE, when the dedications to Vesta on the Palatine were made. It is reasonable to assume that the Vestals continued to be responsible for the custodianship of the *palladium* even after the removal of it from the *aedes Vestae*.<sup>73</sup> Less certain is how long it would have been acceptable to store the *palladium* elsewhere. Dio claimed that the sacred objects (τὰ ἱερὰ), one of which was undoubtedly the *palladium*, were taken to the house of the *flamen Dialis* after the fire.

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<sup>69</sup> MCDANIEL (Diss., University of North Carolina 1995) 70-5; more precisely, McDaniel refers to the *palladium* being stored in the 'Palatine temple', p 74.

<sup>70</sup> Dio 54.24.2 describes the fire which spread from the *basilica Pauli* to the *aedes Vestae* and the removal of the τὰ ἱερὰ to the house of the *flamen Dialis* on the Palatine.

<sup>71</sup> MCDANIEL (Diss., University of North Carolina 1995) 70-5.

<sup>72</sup> MCDANIEL (Diss., University of North Carolina 1995) 78.

<sup>73</sup> Consider, for instance, when the Vestals removed the *sacra* to Caere during the invasion of the Gauls in 390 BCE (Livy 5.40), and according to Livy 5.50, the priestesses remained in Caere until the trouble had passed.

While Augustus was the most influential *pontifex* at Rome, there is no suggestion from Dio that he sought to gain possession of the *palladium* at this time.

There are grave consequences to consider if the *palladium* was removed to the Palatine. In Republican rhetoric, the *palladium* was associated with the continuing safety of the state, and by virtue of acting as its caretaker, the Vestals accrued an association with safety (that paralleled the safety upheld by their virginity).<sup>74</sup> If the *palladium* was not returned to the *aedes Vestae* after the fire of 14 BCE, but was instead transferred to the Palatine, as McDaniel has argued, then the safety of the state that the *palladium* symbolised was also physically transferred. The message of such a shift could not be mistaken. Even though the *palladium* continued to be associated with Vesta, the Palatine dedications were an extension of Augustus' *domus* – safety of the state was now in his hands.

But is McDaniel's interpretation valid? Was the *palladium* removed to the Palatine?<sup>75</sup> There are a number of reasons to be hesitant. While McDaniel offers a different perspective on how Augustus sought stability and legitimated his position within the Roman state, the proposal does not take into consideration the magical properties associated with the *palladium* as part of the *sacra*. The ability of the *sacra* to inflict blindness on those who handled them, as in the case of Metellus, emphasised their potency, and the importance of storing them correctly. In addition, the close connection between the *sacra* and the *penus* of Vesta needs to be considered. Wildfang has noted that “the Vestals were in charge of Rome's symbolic storeroom [*penus*] and its contents [the *sacra*] and the proper fulfilment of this duty ensured the continued existence of Rome”.<sup>76</sup> The removal of the *palladium* from the *aedes Vestae* on the *via Sacra*, and presumably, its *separation* from the other *sacra*, raises the issue of how the Vestals were supposed to

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<sup>74</sup> Consider the implications of Cic. *Scaur.* 48, discussed in the Introduction pp 11-17.

<sup>75</sup> CARANDINI (2008) 60-1, n. 25, has assumed that the *palladium* was kept on the Palatine.

<sup>76</sup> WILDFANG (2006) 17-18.

effectively fulfil their duty to guard the *sacra*. In the end, McDaniel may offer the best solution through her admission that her argument is based on the most tenuous evidence: “In point of fact, there is no unequivocal evidence that Augustus actually did anything with the Palladium. The trail that connects him to it is one made of circumstance, the slenderest grounds on which to assign action”.<sup>77</sup>

While it is not possible to fully endorse McDaniel’s thesis, and despite the objections raised to the idea that a copy of the *palladium* was made and placed with the Palatine dedications, there are yet some conclusions that can be drawn from the scattered evidence. Taking the view that the Palermo and Sorrento reliefs depict the Palatine, at the very least we are left with what Guarducci has described as a signifier of the *palladium*, i.e. an identifying feature of a space dedicated to Vesta.<sup>78</sup> Of the theories advanced to explain the presence of a statue (the *palladium*) in a building that in other respects resembled the *aedes Vestae* near the forum, it is Guarducci’s claim that the statue depicted on the Palatine was either a copy or an idealised signifier that seems to me to be the most reasonable. A copy of the *palladium* would not be out of keeping with the Roman policy of copying such items in order to keep them safe; in this regard the *ancilia* of the Salii are a notable example.<sup>79</sup> Taking this further, the willingness of the Romans to make copies of sacred items, leaves open the possibility that the *signum* that formed part of the initial dedications could have been a representation of the *palladium*.

The important question is what does such a change signify for the Vestals’ relationship with Augustus? I accept that the Palermo and Sorrento reliefs depict the Palatine dedications to Vesta,

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<sup>77</sup> MCDANIEL (Diss., University of North Carolina 1995) 75.

<sup>78</sup> GUARDUCCI (1971) 109-110.

<sup>79</sup> On the reason why there were twelve shields of the Salii: Plut. *Num.* 13.1-2. Serv. *ad Aen.* 7.188 included the *ancilia* in his list of *pignora*. DEGRASSI (1955) 150-1, implies that there was a distinct difference between the case of the twelve *ancilia* and the *palladium*, but given that the Romans had previously demonstrated a willingness to copy objects that were considered to be symbolically valuable there seems no reason why a similar line of interpretation could not be applied to the *palladium*.

and I assume that the intended audience was also aware of the significance of the imagery. These reliefs give the impression that the *palladium* could be stored on the Palatine; this is really the essential point. Regardless of where exactly the *palladium* was stored (and to my mind it was more likely to have remained in the *aedes Vestae*), these reliefs associated the *palladium*, one of Rome's *pignora imperii*, with Augustus. Symbolically then, these reliefs testify to a changing ideology in regard to how the Romans defined the safety of the state. Since the *palladium* (or a *signum* that could be easily interpreted as the *palladium*) was depicted among Vesta's new dedications, it continued to be associated with the goddess, but given that the new dedications were located on the Palatine and were intimately connected with Augustus, the caretaker role was now shared between Augustus and the Vestals. The significance of the *representation* of the *palladium* on the Palatine was a crucial move irrespective of whether or not the *palladium* had been physically relocated. By making dedications to Vesta on the Palatine, Augustus was able to co-opt the signs of the cult without necessarily needing to take physical possession of them. The dedications were recognised as public and the visual evidence suggests that Augustus effectively replicated the architecture and key contents of the original *aedes*. By verisimilitude, Augustus assumed for himself the significance of Vesta's cult – the importance of the Vestals is likely to have been diminished as a result of this process. At the very least, the Vestals now appeared to share the burden of their guardianship of the *palladium* with Augustus. Regardless of whether it was a copy/real/or visual signifier, the association between the *palladium* and Augustus then still stands and this has ramifications for our understanding of the relative importance of the Vestals.

## LOCATION, LOCATION, LOCATION

The importance of location as a signifier of sacral meaning in the cult of Vesta is confirmed by the language used to describe the cult. In this section, I provide an examination of such language in order to set in context one of the major ways in which the Romans ascribed symbolic value to the cult of Vesta.

Ἑστία δ' ἀνακεῖσθαι τὸ πῦρ νομίζουσιν, ὅτι γῆ τε οὐσα ἡ θεὸς καὶ τὸν μέσον κατέχουσα τοῦ κόσμου τόπον τὰς ἀνάψεις τοῦ μετασίου ποιεῖται πυρὸς ἀφ' ἑαυτῆς.<sup>80</sup>

They customarily regard the fire as being dedicated to Vesta because that goddess being both the earth, and occupying the central position in the universe, creates the kindling of heavenly fire from herself.

Vesta is the earth and occupies the central place in the universe. The concept of the centrality of Vesta in the universe immediately pinpoints how her importance as a goddess was intimately connected with her location. The fundamental significance of location for the cult is further expressed through the belief that the Vestals could only effectively perform their duties if they were at Rome, confirming that Rome itself provided Vesta with meaning:

Vestalibus nempe una illa sedes est, ex qua eas nihil unquam praeterquam urbs capta mouit; flamini Diali noctem unam manere extra urbem nefas est. hos Veientes pro Romanis facturi estis sacerdotes, et Vestales tuae te deserent, Vesta [?]<sup>81</sup>

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<sup>80</sup> Dion. Hal. *Rom. Ant.* 2.66.3.

<sup>81</sup> Livy 5.52.13-4.

Certainly there is only that one seat for the Vestals, from which nothing has ever moved them except the capture of the city. It is a violation of divine law for the *flamen Dialis* to spend a single night outside the city. Are you going to make these [people] priests of Veii rather than priests of Rome? Will your Vestals abandon you, Vesta?

Despite the fact that this quote comes from a speech that was most likely created by Livy to suit his reconstruction of the early Republic, it reveals something about the value of Vesta to the Romans. Livy connects these sentiments to the proposal to move from Rome to Veii during the Gallic crisis of 390 BCE and they suggest that Rome's understanding of her institutions was profoundly tied to location. A key concern was that, if the Vestals were to leave Rome they would also be leaving behind Vesta.<sup>82</sup> The connection between Vesta and a single *sedes* in turn implies a relationship with the fixed place for her cult in Rome: i.e. her *aedes* (so that in this instance, *sedes*  $\approx$  *aedes*). Livy's inclusion of such sentiments in his history suggests that he found their implications relevant for his own time.

The *aedes Vestae* stood apart from other structures because it was believed to be one of the oldest sanctuaries in Rome. The circular shape of the *aedes* and its location were equally meaningful.<sup>83</sup> While topographical studies of the forum have not been able to confirm whether the *aedes Vestae* was always circular in shape,<sup>84</sup> this was a commonly held belief in the literary

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<sup>82</sup> Reference to Vesta's cult runs throughout Camillus' speech: Livy 5.52.7, 13-4 (quoted above), 5.54.7.

<sup>83</sup> The circle held a special place in Greek and Roman thought, which is evident in the relative scarcity of circular buildings in Republican Rome and the symbolism attached to them. For a broad study focussing on Greek circular structures including the *θόλος* and *θυμέλης*, see: ROBERT (1939). In Rome, the circular *aedes Vestae* has had the most enduring fame, but there were other buildings including the *Mundus*, as well as other free-standing structures such as the Lacus Curtius, and the shrine of Venus Cloacina, and the temple to Hercules Victor. Plut. *Rom.* 11.1-2 connected the *mundus* with the later Comitium, as well as identifying the *mundus* as the original centre of Rome (although cf. Ov. *Fast.* 4.807-830, who located the *mundus* on the Palatine). The significance that the Romans attached to the *aedes Vestae* was partly derived from its circular shape and it too was viewed as a marker of the centre (of the earth, of the universe). Given the association between the *mundus* and the centre of the city, there appears to have been a connection in the Roman mind between circularity and centrality.

<sup>84</sup> COARELLI (2007) 85.

sources.<sup>85</sup> Ovid and Plutarch provide similar yet nuanced accounts in order to explain the circular nature of the *aedes Vestae*:

**Ovid:**

quae nunc aere vides, stipula tum tecta videres, 261

et paries lento vimine textus erat.

hic locus exiguus, qui sustinet Atria Vestae,

tunc erat intonsi regia magna Numae;

forma tamen templi, quae nunc manet, ante fuisse 265

dicatur, et formae causa probanda subest.

Vesta eadem est et terra: subest vigil ignis utrique:

significant sedem terra focusque suam.

terra pilae similis, nullo fulcimine nixa,

aere subiecto tam grave pendet onus: 270

ipsa volubilitas libratum sustinet orbem,

quique premat partes angulus omnis abest:

cumque sit in media rerum regione locata,

ut tangat nullum plusve minusve latus,

ni convexa foret, parti vicinior esset, 275

nec medium terram mundus haberet onus.

arte Syracosia suspensus in aere clauso

stat globus, immensi parva figura poli,

et quantum a summis, tantum secessit ab imis

<sup>85</sup> The explanation for the circular shape of the *aedes Vestae* varies: Dion. Hal. *Rom. Ant.* 1.79.11 (based upon the shepherd's hut of Romulus), Plut. *Num.* 11 (the circular shape of Vesta's temple reflected the shape, not of the earth, but of the universe).



terra; quod ut fiat forma rotunda facit. 280

par facies templi; nullus procurrit in illo

angulus, a pluvio vindicat imbre tholus.<sup>86</sup> 282

The buildings that you see now roofed with bronze you might have seen roofed with thatch, and the walls were woven of tough wicker. This small place, which supports the *atrium* of Vesta, was then the great palace of unshorn Numa. Yet the form of the temple, as it now endures, is said to have been its early shape, and the reason for the shape is based on sound proof. Vesta is the same as the earth;<sup>87</sup> under both of them is perpetual fire; the earth and the hearth each signify her seat. The earth is like a ball, leaning upon no support; so great a weight hangs on the air beneath it. Its own rotation keeps the orb balanced; there is no angle which could press on any part; and since it is located in the middle of the region of things, so as to touch no side more or less, if it were not convex, it would be closer to some part, and the universe would not have the earth as its central weight. There is a globe suspended by Syracusan art in closed air, a small image of the vast celestial vault, and the earth is as much distant from the top as the bottom. This is a function arising from its round shape. The shape of the temple is a parallel; there is no jutting angle in it; a dome protects it from rainy showers.

#### Plutarch:

Νομᾶς δὲ λέγεται καὶ τὸ τῆς Ἑστίας ἱερὸν ἐγκύκλιον περιβαλέσθαι τῷ ἀσβέστῳ πυρὶ φρουράν, ἀπομιμούμενος οὐ τὸ σχῆμα τῆς γῆς ὡς Ἑστίας οὔσης, ἀλλὰ τοῦ σύμπαντος

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<sup>86</sup> Ov. *Fast.* 6.261-82.

<sup>87</sup> Cf. Dion. Hal. *Rom. Ant.* 2.66.2-3 quoted earlier in this chapter.

κόσμον, οὗ μέσον οἱ Πυθαγορικοὶ τὸ πῦρ ἰδρῦσθαι νομίζουσι, καὶ τοῦτο Ἑστίαν  
καλοῦσι καὶ μονάδα.<sup>88</sup>

Furthermore, it is said that Numa built the temple of Vesta, where the perpetual fire was kept, of a circular form, in imitation not of the shape of the earth, on the grounds that Vesta is the earth, but of the entire universe, at the centre of which the Pythagoreans place the element of fire and call it Vesta and Unit.

Ovid considered the *aedes Vestae* to reflect the shape of the earth, while Plutarch claimed that the shape of the *aedes Vestae* reflected the universe. Both authors explained the circular shape of the *aedes Vestae* in cosmic terms, and, regardless of whether Vesta was identified as either the Earth (Ovid) or fire (Plutarch), the important point is that she was located at the *centre* of the universe. The significance attached to the position of Vesta within the universe is most clearly expressed in Ovid's reference to Vesta's *sedes*: *significant sedem terra focusque suam* "the earth and the hearth each signify her seat",<sup>89</sup> which builds upon the relationship between Vesta's *sedes* and *aedes* already noted above. Accordingly, the location of the *aedes Vestae* is vital for understanding the significance of the cult. Ovid's description of the earth as the centre of the universe<sup>90</sup> and the centrality of Vesta's *focus* in signifying her *sedes* makes it reasonable to infer that Ovid viewed Vesta's *focus* as the centre of the earth.<sup>91</sup> The location of Vesta's *aedes* therefore marked the *absolute centre* of the universe and the earth, confirming that the traditional location of the *aedes* was of paramount importance to the cult.

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<sup>88</sup> Plut. *Num.* 11.1.

<sup>89</sup> Ov. *Fast.* 6.268.

<sup>90</sup> Ov. *Fast.* 6.269-76.

<sup>91</sup> Cf. the description of Delphi as the 'navel' of the world: Pind. *Pyth.* 4.74.

The importance attached to the traditional location of the *aedes Vestae* is supported by the fact that it was continuously rebuilt at the same site after conflagrations.<sup>92</sup> Although the *aedes* was not an officially consecrated *templum*, the continuity of the *aedes Vestae* at the same location had the effect of investing that land with a *de facto* sacral character that was based on *use* rather than formal consecration.<sup>93</sup> The long-term effect of this was that the location of the *aedes Vestae* was imbued with sacral significance (if not a formalised sacral definition) that it would not have possessed if the *aedes* was (re)constructed at a different location.

Location is also relevant for understanding the burial of Vestals, particularly those found guilty of *incestum*. Vestals charged with *incestum* were traditionally buried alive at the *campus Sceleratus* near the *porta Collina*,<sup>94</sup> most likely within the *pomerium*.<sup>95</sup> While the *pomerium* marked an exclusion-zone for the burial of dead bodies,<sup>96</sup> there appears to have been a distinction made for cases of live burial. Execution by live burial, where the convicted Vestal was buried

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<sup>92</sup> For a discussion on the archaeological remains at this site that indicate continuity of the cult at the same location, see: 'Atrium Vestae' *LUTR* 1 (SCOTT, R. T.); BARTOLI (1961) 1-144. On the difficulties associated with obtaining the information, consider the preliminary findings of recent excavation work: ARVANITIS (2010) esp. 61-99.

<sup>93</sup> Continuity of location was important for temples and was implied by the connotations of *templum*. The Latin term *templum* denoted any area defined by an augur wherein auspices could take place, and the same term also described a building constructed on such an area. In order for a building to be considered a *templum* it needed to have been located on consecrated land. The term *consecratio* confirmed that the land was the property of a god/s. For a discussion of the intricacies surrounding the term *templum* and the role of the augurs, see: RÜPKE (2007) 182-3. The existence of a *templum* on consecrated land was therefore a visual signal that reinforced the idea that only certain land was invested with sacredness. In this respect, the *aedes Vestae* constituted an anomaly, as Serv. *ad Aen.* 7.153 claims that the *templum (aedes) Vestae* was not built on consecrated land; cf. Gell. *NA* 14.7.7. It is clear from the high significance attached to the *aedes*, as a receptacle for the eternal flame of Vesta and the *sacra*, that the character of the land on which the *aedes* was situated was not a practical hindrance to the functionality of the cult (on a side note, the location of the *aedes Vestae* on unconsecrated ground may explain the necessity for an annual removal of *stercus* (Ov. *Fast.* 6.711-4; Varro *Ling.* 6.4.32), as the *aedes* had the capacity to collect substances that would be considered profane if the *aedes* was located on sacred ground). Furthermore, the location of the *aedes* was not predicated on the assigned character of the land on which it stood. The absence of augury also allowed Vesta to claim a relationship with Rome's archaic past, with its suggestion that Vesta had, on a symbolic level, always existed at the site where the *aedes* was constructed, and that augury was not necessary to validate her presence.

<sup>94</sup> Dion. Hal. *Ant. Rom.* 2.67.4; Festus 449L; Livy 8.15; Plut. *Num.* 10.4; Serv. *ad Aen.* 11.206.

<sup>95</sup> Consider the position of PARKER (2007) 69: "Their [i.e. the Vestals'] lives and deaths were bound by the limits of the city. Vestal Virgins were given the honour of burial within the *pomerium*, most strikingly even when they are buried alive after being convicted of unchastity". On the *pomerium* see p 236, n 15 above.

<sup>96</sup> Twelve Tables 10.1: *hominem mortuum in urbe ne sepelito neue urito*; Serv. *ad Aen.* 11.206.

within the *pomerium*, demonstrates a unique Roman approach to expiation.<sup>97</sup> The Vestals' importance to the city is revealed by the burial of those convicted of *incestum* within the *urbs* in contradiction to the standard law.<sup>98</sup> The Vestal Virgins' relationship to the City was such that, even when one of their order incurred extreme pollution through *incestum*, it was considered necessary for the Vestal to be buried within the sacral boundaries of the city - the expiation of *incestum* remained internal. It is significant that a Vestal's body never left the defined limits of the city even when her ritual purity was judged to have been compromised; even in ignominious death, a Vestal was defined by her relationship with Rome's cityscape. Even in death Vestals were geographically tied to Rome's sacral boundaries, reinforcing the idea that location was an important signifier of meaning for the cult.

To summarise the points made in regard to the relationship between location and the cult of Vesta: the physical location of the *aedes* was believed by Romans to reflect the preeminent position of Vesta *vis à vis* the universe, and her manifestation as the earth; the movement of the Vestals was equally important for the operation of the cult, indeed their very *definition* as Vestals was tied to the physical location of Rome; Livy's rhetoric draws attention to the fact that the Vestals (and other Roman priests) depended upon Rome: without Rome, there could be no Roman religion; and the burial of Vestals within the *pomerium* emphasised the priestesses' connection with Rome even in death and in the face of compromised ritual standing (absence of virginity). In these ways, *location* was a fundamental means of creating sacral meaning in the cult of Vesta.

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<sup>97</sup> Cf. scapegoat ritual in the Greek context, where a criminal exiled is from the urban area so that their pollution can be carried beyond the city walls; for discussion, see: BREMMER (1983) 299-320; PARKER (1983) 23-5, also note p. 258, where the scapegoat phenomenon is suggested as a response to crisis. There are certain similarities between Greek scapegoat ritual and the Roman punishment of *parricidium* (Cic. *Rosc. Am.* 70-2), as the offending body was seen as polluting and could not remain within the city. The connection between the Vestals and scapegoat ritual has been observed by BURKERT (1979) 75-77, who examined the role of the scapegoat in regards to the Vestal Tarpeia.

<sup>98</sup> The live burial of Vestals within the *pomerium* may be compared with the protective qualities associated with the burial of Romulus within the city: Hor. *Epod.* 16.13-4 with discussion in WATSON (2003) 497.

Given the strong associative ties to location apparent in regard to Vesta, the addition of cult items, including an altar to Vesta, within Augustus' home on the Palatine altered a spatial dynamic that had hitherto been consistent. Furthermore, the addition of a new cultic space affected the movement of Vestals in and around the city. The (presumably) increased visibility of the Vestals, which was prompted by the addition of new cult items to Vesta, served to visually emphasise the connection between Augustus and the hearth goddess. The new dedications confirmed both the Vestals importance to Augustus, and transferred their symbolism to him.

#### THE VESTALS' TOPOGRAPHICAL RELATIONSHIP WITH ROME AFTER 12 BCE

The cult of Vesta had a long history, and its significance was built upon a variety of things. According to one strong Roman tradition, the Vestal Virgin cult was established by Numa Pompilius, the second king of Rome.<sup>99</sup> The archaeological record indicates that structures existed on the site of the *aedes Vestae* from as early as the sixth century BCE.<sup>100</sup> The Vestal cult, or something akin to its forebear, was inextricably entwined with the fabric of the Roman character from the archaic period.<sup>101</sup> The stewardship of the eternal flame was given to six female virgins whose continuing physical integrity acted as a metaphor for the preservation of the state.<sup>102</sup> And, as demonstrated above, the character of the cult was tied as much to *location* as it was to its *history*. The addition then of new, public dedications to Vesta on the Palatine in 12 BCE should not be underestimated in terms of the pronounced change that it signified.<sup>103</sup>

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<sup>99</sup> Dion. Hal. *Rom. Ant.* 2.66.1-3; Plut. *Num.* 13.2-3. Numa was also the happy founder of the *regia*: Plut. *Num.* 14.

<sup>100</sup> 'Atrium Vestae' *LUTR* 1 (SCOTT); BARTOLI (1961) 1-68.

<sup>101</sup> Dion. Hal. *Rom. Ant.* 2.65-6; STAPLES (1998) 143: "by being excluded from every other category of the collectivity ... a Vestal became a symbol of the whole. Her identity lay only in Romanness".

<sup>102</sup> Cf. Ov. *Fast.* 6.455-460 (quoted in full in Chapter Two, p 125).

<sup>103</sup> See the discussion of Ov. *Fast.* 4.949-54 earlier in this chapter. The position taken in this discussion is far less positive than that assumed by Zanker in regards to the 'sanctuary' to Vesta on the Palatine, ZANKER (1988) 207.

The nature of interaction between the Vestals and the *pontifex maximus* altered when Augustus became *pontifex maximus* in 12 BCE. The dynamic of their relationship was brought sharply into focus by Augustus' remaining on the Palatine because the distance between the *pontifex maximus* and the Vestals changed. Tradition dictated that this priest reside on the *Sacra via* when in Rome. Augustus' decision as *pontifex maximus* to remain in residence on the Palatine and to create a new space for the worship of Vesta represented a *spatial change* in an ancient cult that was *fundamentally* tied to its geography. Whether intended or not, the centrality of Vesta in the universe is called into question by such a change.<sup>104</sup>

Augustus destabilised Vesta's cult through the addition of new cult dedications on the Palatine, as this undermined the significance that location had hitherto played in the Roman conceptualisation of Vesta. After generations of continuity at the same location in the *forum Romanum*, Vesta suddenly became attached to Augustus, and the goddess received new public dedications that assumed the role of new cultic space. Vesta was now subsumed into Augustan politics. When Augustus created a public space for Vesta in his *domus*, he revealed that the *pax deorum* would be pursued as he saw fit rather than within previous parameters. Augustus would not move to the *forum* to live near Vesta, as was appropriate for the *pontifex maximus*, Vesta must move to the Palatine. Augustus' actions implied that the location of the *aedes Vestae* was less important than his own residence. Even though the *aedes Vestae* continued to be the foremost location of the cult,<sup>105</sup> the implication that the cult had been overtly politicised by the addition of these new dedications, was not lost on the Roman elite.<sup>106</sup> The situation exposed Augustus' belief that religion and politics were not part of an interconnected system, but that religion was ultimately subservient to politics.

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<sup>104</sup> On the centrality of Vesta in the universe see: Dion. Hal. *Rom. Ant.* 2.66.3 quoted on p 253 above.

<sup>105</sup> Consider the discussion of this issue in DEGRASSI (1955) 148.

<sup>106</sup> Cf. MEKACHER (2006) 195.

It is from such a perspective that the dedications to Vesta on the Palatine might be seen as a contributing factor to the Vestal recruitment crisis of 5 CE. The legal ramifications of the Augustan moral reform legislation has been previously cited in regard to the difficulty of finding suitable Vestal candidates;<sup>107</sup> however, it is also worth considering the effect of the public dedications to Vesta on the Palatine. Given our understanding of the significance of location in the creation of sacral meaning for Vesta, and the political and ideological implications of Augustus creating a new cult space to Vesta within to his Palatine *domus*, the lack of candidates in 5 CE may also have been a criticism of Augustus' willingness to modify long-held traditions.

Because the Romans viewed Vesta as the centre of the universe, the new cult objects on the Palatine held implications for the concepts of space and location. Augustus' dedications to Vesta were part of a more extended conversation about Rome's future. Given Vesta's association with the centre of the earth/universe, the new dedications proposed a reconsideration of where Rome's centre was truly located. Through the new dedications, it can be argued that Augustus *added* to Vesta's presence in Rome, expanding the concept of 'the centre of Rome' to include the Palatine. Augustus' Rome was a growing city, a sign of the safe times and its increasing prosperity. Nevertheless, the dynamic of the relationship between the *pontifex maximus* and the Vestals was topographically altered and this had practical consequences. Whether it was each day, or only once a year to celebrate the dedication of the new *signum* and *ara*, the Vestals would now come to the Palatine to attend to Vesta within the *domus Augusti*.

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<sup>107</sup> See Chapter Five, pp 237-40.

## VII

### CONCLUSION

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This dissertation has examined evidence for the Vestal Virgin cult during the Late Republic and the Augustan Principate. The underlying premise of the thesis was to examine the transition from Republic to Principate from the perspective of the Vestal cult. Such a treatment of the evidence has allowed the cult and its priestesses to be foregrounded against the backdrop of the complicated political and social changes that characterised this turbulent period in Roman history. The examination of the Vestal cult during this period has revealed that there is much to be gained from a closely thematic, yet broadly diachronic approach to the evidence. My contribution has been to draw attention to the changing place and significance of the Vestal cult in the Roman understanding.

The thematic aspect that stands out most prominently is the Vestals' changing relationship with the concept of the safety of the state. As the Principate developed, it is clear that there was a shift in Roman thinking to the point where a politically prominent individual such as Augustus was viewed as integral to the safety of the state. The consequences of Augustus' prominence in this area affected the standing of the Vestals on a number of fronts.

Mekacher has argued for the importance of the Vestals' relationship with the emperor.<sup>1</sup> This is a cogent theory for the imperial period; what my study has suggested is that the Vestals'

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<sup>1</sup> MECKACHER (2006) 196.



relationship with the emperor was gained at the expense of their previous status. The shift from Republic to Principate was not easy for anyone and this is certainly borne out with reference to the Vestals' and their relationship with Augustus. The Republican Vestal was a different entity from the imperial version. The areas in which the standing of the Vestals was most particularly altered can be seen in the disappearance of *incestum* trials under Augustus, the diminished extent to which the priestesses were recorded to have been engaged in extra-ritual activity, the decline in the prominence of Vestals as the custodians of politically sensitive and/or important documents, the sequence of legal reforms that left the Vestals languishing behind other categories of citizen women, and the effects of Augustus' topographical changes.

The conclusions that I present here do not simply reiterate the findings of each chapter, but seek to synthesise the different issues raised in order to build an overarching picture of the state of the Vestal cult by the end of the Augustan Principate.

## **WATER**

The complex ideals bound up with the Vestals during the early Principate are clear in the representation of them in Roman literature at the time. The construction of the Vestals in the Late Republic and the Principate, as I have examined it through the Vestals' relationship with water, reveals the Vestals as a continuing quintessential symbol of the foundation/potential destruction of the City. It is fair to say that it was the Roman poets and the Greek authors interested in decoding Roman culture who above all defined the archetypal Vestal Virgin.

My study of Vestals and water is the first detailed examination of the subject, one which considers the relationship between Vestals and water in the areas of ritual *and* myth. The study of Vestals and water has allowed for a focus on mythical stories and constructions of

the archetypal Vestal, which has provided essential background on how the Romans conceived of these priestesses. One important finding has been that the ritual relationship that the Vestals shared with water sources within Rome cannot fully explain the motif of Vestals and water which occurs with such frequency in Roman literature.

The study of Vestals and water has drawn attention to the inherent sense of potential sexuality that underlies virginity. The sensuous and sexual ideas associated with water, particularly rivers in the Roman understanding, have suggested that the Vestals' relationship with water can often be related to the standing of their chastity. The value of chastity (and virginity) in this context is especially emphasised in the transformation of chaste women from the category of *matrona* to Vestal Virgin; a change aptly captured by the phrase 'Vestalization'.

One of the key values associated with the Vestal Virgins, which is highlighted through their connection with water, is their perceived symbiotic relationship with the safety of the state. This is expressed most profoundly in the dichotomy of the Vestal as both the founder and destroyer of Rome. Propertius' Tarpeia is the most explicit examination of the Roman fear that a Vestal's compromised virginity compromised the State. This emblematic feature of the Vestals, which is so prominent in poetry, is increasingly called into question in the broader socio-political context of the emerging Augustan Principate.

## **INCESTUM**

A threat hung over all Vestals – virginity or death. The polarity was part of the way in which the Romans sought control over female sexuality in the priestly realm. My contribution to scholarship pertaining to Vestal *incestum* is two-fold. First, I have drawn attention to the importance of a nuanced and carefully contextualised reading of the evidence in regard to the

circumstances leading to an accusation and/or trial of *incestum*. Second, I have emphasised that the distribution of the evidence is important when examining how the absence of Vestal *incestum* accusations/trials was utilised in connection with the Principate.

Given the potential for Vestal *incestum* to be interpreted as a reflection of politics, or a response to crisis, it is important to note that there was a substantial period of time in which no Vestal was buried alive. There were no accusations between 73 BCE and the reign of Domitian. The instabilities at various times during the Late Republic, the Second Triumvirate, the Augustan principate, (as well as the Julio-Claudian and Flavian rule), suggest that Vestal *incestum* ought not to be read as solely a corollary of politics or crises.

The disappearance of Vestal *incestum* needs to be understood in relation to the changing historical context. It is significant that the observation that there were no *incestum* trials was first made under Augustus and that it was mentioned as part of the achievements of the *princeps*. The benefits for Augustus can be easily observed. Augustus could classify the absence of Vestal *incestum* accusations and/or trials as an expression of Rome's stability. The absence of Vestal *incestum* also tacitly acknowledged the legitimacy of the Principate. And yet, the lack of *incestum* cases after 73 BCE cannot be read as simply a signal of the security brought about by Augustus' rule. The substantial gap between the *successful* prosecution of *incestum* trials (113 BCE—85/6 CE) suggests that the development of the Augustan Principate was only one element in a broader picture.

In terms of the representation and significance of Vestal *incestum* during the Augustan period, one factor that can help us to understand the pattern of the evidence is the changing relationship between the Vestals and the concept of the safety of the state. As Augustus became increasingly entrusted with Rome's safety, the symbolic importance of the Vestals (and thus *incestum*) changed. Augustus' role ensured that the absence of Vestal *incestum* was

no longer the only measure of Rome's relative safety and/or danger. Further reasons that may have contributed to the overall pattern are discussed below.

### **(EXTRA-RITUAL) ACTIVITY**

One means of reading the Vestals' extra-ritual activity during the Late Republic is to view it as a reflection of the instability of the system, of the willingness of the great Roman families to use whatever advantage they possessed to attain greater political power. Viewed from such a perspective, the Vestals' extra-ritual public role during the Late Republic is a sign that the Roman political system was becoming a stage for frenetic power-plays. By way of comparison, the absence of records for Vestal activity under Augustus suggests that stability returned as the Principate developed.

The curtailment of Vestal activity in the political arena may have been the result of a variety of factors, but the evidence nevertheless contributes to our understanding of the breadth of the changes instigated by the Augustan period. The impetus to push the Roman system of governance to its limits - a hallmark of the Late Republic - had passed, and the Vestals, once quite active in political life seem to retreat from a degree of individualism back to collectivism. The close examination of the Vestals' extra-ritual activity during c.150 BCE to 14 CE constitutes my contribution to scholarship by shining a light on the extent and variety of Vestal activity prior to the Principate. The silence regarding either individual or collective action on behalf of the Vestals after about 32 BCE until 13 CE forms a significant (and Augustus-shaped) gap in the record.

### **DOCUMENTS**

There is no way to be completely sure that the Vestals were not called upon during the first century BCE to hold other, less sensitive or less politically significant documents than the ones discussed in Chapter Four; nevertheless, the historical record suggests that for over a decade the Vestals drew particular attention because of this role. The Vestals were placed in a position that had political overtones and involved significant responsibility; their role as custodians of politically explosive documents sat well with the cult, since they were already responsible for entities as integral to the state as the eternal flame and the *sacra*. A study of the types of sensitive and political documents entrusted with the Vestals during the forties and thirties BCE has revealed how apt the choice of the priestesses was when we consider the issue of the integrity of documents (maintenance of *fides*) in the Late Republic, since keeping intact the seal their virginity had a symbolic correlation with the seals of documents.

The study of the Vestals' role as document custodians is the first comprehensive study of all the examples together. As just noted, it has drawn conclusions regarding the symbolic confluence of seals on wills and the virginity of the Vestals. It has also emphasised, through the pattern of the evidence, the degree to which the Vestals were detrimentally affected by Octavian's retrieval of Antony's will in 32 BCE.

The Vestals are repeatedly recorded as document custodians between 45 BCE and 32 BCE, but following Octavian's seizure of Antony's will, there is no record of their holding another will until Octavian (now Augustus) placed his final testament in their care in 13 CE. In terms of the Vestals' developing relationship with Octavian/Augustus, the year 32 BCE signalled a substantial change in the dynamic between them. By the end of that year, the Vestals must have been aware that the sanctity of their cult meant very little to Octavian. His willingness to engage in what amounted to sacrilege in order to remove Antony's will from their care was a sign of the changing times. Octavian's ambitions were clear and, as the Principate developed, it is likely that the Vestals realised that they would have to follow where he led.

## LEGAL SITUATION

An examination of the increasing alignment of Roman women, particularly Octavian's wife and sister, with the Vestals likewise allows us to see the Vestals' increased alignment with the emerging *domus Augusta*. The legal and moral reforms of Augustus have been the subject of extensive research; my contribution to this area of study has been to examine how these reforms affected the Vestals rather than the women of Octavian's family and Roman women as a whole, and the degree to which the Vestals found themselves in a position where their legal privileges were in some cases no longer unique, and as a result no longer an incentive for families to offer their daughters to the college.

The Vestals' increasing alignment with the emerging *domus Augustus* was arguably the most important change that the Vestals were to undergo in the transition to the Principate. The legal distinctions, which had served to separate the Vestals from the general cohort of citizen women since the Twelve Tables, were a mark not only of the privileges attendant on their order, but also a compensation for the sacrifice entailed by *captio* as a Vestal. In 35 BCE, however, their situation was altered as Livia and Octavia were granted a number of privileges that marked a new phase in our understanding of the Vestals' legal uniqueness. The Vestals were not included in Augustus' moral reform legislation of 18 BCE. While this may have been an oversight, the consequences eventually became apparent during the Vestal recruitment crisis of 5 CE. It seems clear that, from a Roman perspective, the *ius liberorum* was seen both as realistically attainable, and because of the testamentary implications, highly desirable. As a result, interest in inducting daughters into the cult of Vesta diminished. For the Vestals already within the cult, the moral reform legislation meant that they fell behind other citizen women in terms of legal privilege, and this must have made the sacrifices required of them even more difficult to bear than in previous periods. The situation was only corrected in 9 CE, some thirty years after the initial reforms involving citizen women, and

almost twenty years after the exceptional grant of the *ius liberorum* to Livia. By the end of the Principate, the Vestals' legal privileges were more evenly matched with those available to citizen women who bore children than they had been during the Republic.<sup>2</sup> The dramatic change in the Vestals' legal circumstances, including the erosion of many of their unique benefits at law, was a profound consequence of the rise of Augustus.

## TOPOGRAPHY

The connection between the Vestals and the *domus Augusta* is apparent not only in legal reforms, but can also be observed in the changing topography of the cult. The new public shrine to Vesta, located on the Palatine as part of Augustus' residence, placed the goddess under the roof of the *princeps*. My contribution here has been an examination of how the belief that the *aedes Vestae* was the central point of the earth and/or the universe was called into question by the creation of the Palatine shrine. Addressing the issue from the perspective of the Roman understanding of Vesta's strong ties to location and how location was a means of accruing sacral meaning, has revealed that the new shrine calls into question a fundamental belief associated with the cult by decentring it from its former location.

Augustus' penchant for introducing change while arguing for tradition is well-recognised and the new shrine to Vesta stands as another example. It is clear that Augustus had an interest in cultivating a close connection with Vesta; however, it is the consequences for the Vestals that have merited consideration in my dissertation. By introducing a public shrine to Vesta into his domestic space, Augustus effectively claimed (and was granted in some literary sources) an equivalence of status with the hearth goddess. Vesta's relative importance to the safety of the state was also challenged by the presence of new Palatine shrine. As the Principate

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<sup>2</sup> Looking ahead into the Julio-Claudian era, it is clear that the Vestals were additionally compensated by significant monetary payments (Tac. *Ann.* 4.16.4).

developed, Augustus was increasingly interconnected with the safety of the state. The new shrine to Vesta on the Palatine emphasised the connection, as the *palladium*, long considered a *pignus imperi* of Rome and kept in the care of the Vestals, was now symbolically associated with Augustus.

## FINAL REMARKS

The study of Vestals and water has drawn attention to the fact that the Romans feared that the loss of a Vestal's virginity signalled danger for the state, even the possibility of destruction. The effect then of the increasing investment of the safety of Rome in an individual, as we find with Augustus, is likely to have been profound. The emphasis upon Augustus as integral to the safety of Rome is the first sustained occurrence of this phenomenon in Rome; given these circumstances, our understanding of the Vestals' place in the structure of the state needs to be re-evaluated. The Vestals' affiliation with the concept of the safety of the state, which defined their socio-religious value, altered as a consequence of the transition from Republic to Principate. I have put forward the thesis that the Vestals became increasingly aligned with the *princeps* on the basis that to a certain extent they now *shared* a symbolic responsibility for the continuity of the state. My conclusions are in keeping with the evidence from the early imperial period. The true value of my study has been to highlight *how* that affiliation between the Vestals and the *princeps* developed as a response to the changes instigated by the socio-political developments between c. 150 BCE and 14 CE.



# APPENDIX

## A VESTAL TIMELINE 100 BCE-14 CE

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### EVENTS INVOLVING THE VESTALS BETWEEN 100 BCE AND 44 BCE

c. 82 BCE	Vestals aid Caesar in securing the favour of Sulla (Suet. <i>Div. Iul.</i> 1)
c. 73 BCE	Trials of Vestals Licinia (Plut. <i>Crassus</i> 1.2) and Fabia (Ascon. 91 C) for <i>incestum</i> .
70 BCE	The Vestals Arruntia, Licinia, Perpennia, and Popillia are recorded as having attended the <i>cena aditialis</i> for L. Cornelius Lentulus Niger becoming <i>flamen Martialis</i> (Macrob. <i>Sat.</i> 3.13.11)
63 BCE	In December the Vestals were present at the rite to Bona Dea, conducted in Cicero's house, where the fire shot up to great height (Dio 37.35.3; Plut. <i>Cic.</i> 19)
48 BCE	After escalating violence in the city, the Vestals removed the <i>sacra</i> from the <i>aedes</i> (Dio 42.31.3)
45 BCE	Vestals and other priests/priestesses ordered by decree of the senate to offer a prayer for the safety of Julius Caesar every five years (Appian <i>BC</i> 2.106); cf. the prayers offered annually to Caesar mentioned by Dio 44.6.1 (the Vestals are not specifically mentioned).

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### CHANGES TO, AND EXTRAORDINARY RITUAL OF, THE VESTAL CULT AFTER 44 BCE

44/3 BCE	A number of portents occur in Rome that included a bull leaping up after being sacrificed in the temple of Vesta (Dio 45.17.4)
42 BCE	Vestals granted one <i>lictor</i> each by the senate (Dio. 47.19.4)
40 BCE	Vestals prayed over sacrifices for a stemming of the Italian desertions to Sextus (Dio. 48.19.4)
30 BCE	Vestals (and others) to meet Caesar (i.e Octavian) when he entered the city and the priests and Vestals in their prayers on behalf of the people and the senate were to pray for him as well (Dio. 51.19.1-7)

19 BCE	12 <sup>th</sup> of October – <i>pontifices</i> and Vestals ordered to make annual sacrifice at the altar of Fortuna Redux (RG 11)
14 BCE	As a result of fire, the sacred objects of Vesta were placed in house of the priest of Jupiter on the Palatine (Dio. 54.24.2). Dio also notes that the eldest Vestal had become blind.
13 BCE	Senate decreed the building of the <i>Ara Pacis</i> on which the magistrates, priests and Vestals were to make annual sacrifice.
12 BCE	Augustus grants the house of the <i>rex sacrorum</i> ( <i>sacrificulus</i> ) to the Vestals (Dio. 54.27.2-3)
9 BCE	Augustus gives over part of his house to Vesta (Ov. <i>Fast.</i> 4.949-954) Augustus granted the Vestals all the privileges of women who had borne children contrary to the <i>lex Voconia</i> (Dio. 56.10.2 – dates this to 9 CE)
5 CE	Law passed to allow the daughters of freedmen to become Vestals (Dio. 55.22.5 cf. Suet. <i>Aug.</i> 31.3)

#### UNDATED CHANGES

- Vestals assigned a place at gladiatorial shows opposite the praetors (Suet. *Aug.* 44.2-3)
- Augustus increased the allowances and privileges of priests and Vestals (Suet. *Aug.* 31.3)

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#### DOCUMENTS KEPT BY THE VESTALS DURING THE LATE REPUBLIC AND AUGUSTAN PERIODS (100 BCE-14 CE)

45 BCE	Julius Caesar's <i>testamentum</i> (Suet. <i>Iul.</i> 83.1)
41 BCE	Documents of the Veterans (Dio. 48.19.4)
39 BCE	Treaty of Misenum between the <i>triumvirs</i> and Sextus Pompey (Dio. 48.37.1) Treaty of Misenum retrieved by Octavian in 38 BCE (Dio. 48.46.2)
32 BCE	Mark Antony's <i>testamentum</i> (Plut. <i>Ant.</i> 58.4-7; cf. Dio 50.3.3-4)
13 CE	Augustus' <i>testamentum</i> (Dio 56.32.1a; Suet. <i>Aug.</i> 101.1; Suet. <i>Tib.</i> 23; Tac. <i>Ann.</i> 1.8)

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## ANNUAL RITUALS OF THE VESTAL VIRGINS

1 <sup>st</sup> of January	The Vestals and other priesthoods prayed for the Roman state (as per MEKACHER (2006) 51, Table 1)
3 <sup>rd</sup> of January	The Vestals pray and other priesthoods prayed for the Roman state (as per MEKACHER (2006) 51, Table 1)
30 <sup>th</sup> of January	(from 9 BCE onwards) Vestals perform annual sacrifices at the <i>Ara Pacis Augustae</i> with the magistrates and priests in honour of Augustus' return from Spain and Gaul in 13 BCE (RG 12)
1 <sup>st</sup> of February	A sheep slain at Vesta's temple and at two other locations (Ov. <i>Fast.</i> 2.67-70)
13 <sup>th</sup> of February	The <i>Parentalia</i> – ran from the 13 <sup>th</sup> to the 21 <sup>st</sup> of February. Late epigraphical sources record the Vestals made offerings on the Ides (13 <sup>th</sup> ) of February as part of this festival (Philocalus <i>Fast.</i> ). On the association of Tarpeia with this event (Dion. Hal. <i>Rom. Ant.</i> 2.40).
15 <sup>th</sup> of February	The <i>Lupercalia</i> – use of <i>mola salsa</i> created by the Vestals (Serv. <i>Ecl.</i> 8.82) at the sacrifice of a goat at the foot of the <i>mons Palatinus</i> (the <i>Lupercal</i> ) (Ov. <i>Fast.</i> 2.381)
? February	The <i>Fornacalia</i> – The date of this festival varied according to the proclamation of the <i>Curio Maximus</i> . The Vestals participation in the Fornacalia is suggested by the use of <i>far</i> (Ov. <i>Fast.</i> 2.512-32)
1 <sup>st</sup> of March	Old laurel replaced with new laurel on Vesta's hearth; Vesta's fire re-lit (Ov. <i>Fast.</i> 3.135-144)
6 <sup>th</sup> of March	(From 12 BCE onwards) Incense offered on Vesta's hearth by the people for the honour of Augustus becoming <i>pontifex maximus</i> (Ov. <i>Fast.</i> 3.415-420)
16-17 <sup>th</sup> of March	Procession to the <i>Argei</i> – the Vestals role in the rite of the <i>Argei</i> in May suggest their involvement in this associated event (Ov. <i>Fast.</i> 3.791-2; Varro <i>Ling.</i> 5.45 notes that the (27) <i>sacraria Argeorum</i> were located in four districts ( <i>partis</i> ) of the city: the Subura, Esquiline, Colline, and Palatine)
15 <sup>th</sup> of April	The <i>Fordicidia</i> – The Vestal Maxima burns the calves retrieved from the sacrificed pregnant cows (Ov. <i>Fast.</i> 4.629-40)
21 <sup>st</sup> of April	The <i>Parilia</i> - People to fetch material for fumigation from Vesta's altar (blood of a horse, ashes of a calf, the empty stalks of hard beans) (Ov.

	<i>Fast.</i> 4.731-734); Vesta implicated in Romulus' foundation of Rome ( <i>Ov. Fast.</i> 4.827-832)
28 <sup>th</sup> -30 <sup>th</sup> of April	(From 12 BCE onwards) Anniversary of Vesta on the Palatine as part of Augustus' house ( <i>Ov. Fast.</i> 4.943-54)
7 <sup>th</sup> -15 <sup>th</sup> of May	Designated Vestals collect the items for and prepare the <i>mola salsa</i> ( <i>Serv. ad Ecl.</i> 8.82); practice instituted by Numa (Pliny <i>NH</i> 18.2.7)
14 <sup>th</sup> /15 <sup>th</sup> of May	Rite of the <i>Argei</i> - Vestals throw effigies from the <i>pons Sublicius</i> ( <i>Ov. Fast.</i> 5.621-624; Dion. Hal. <i>Rom. Ant.</i> 1.38.3)
6 <sup>th</sup> (?) -9 <sup>th</sup> of June	The <i>Vestalia</i> - ( <i>Ov. Fast.</i> 6.226-234; Varro <i>Ling.</i> 6.17; Festus 296L). Rites include offering food to Vesta, wreathed asses are hung with loaves, garlands cover the millstones, Vesta's hearth used to bake bread that was placed under ashes – baker's honour the hearth ( <i>Ov. Fast.</i> 6.310-318); <i>mola salsa</i> used ( <i>Serv. ad Ecl.</i> 8.82)
15 <sup>th</sup> of June	Annual cleaning of the Vestal temple ( <i>Ov. Fast.</i> 6.711-714; Varro <i>Ling.</i> 6.4.32)
21 <sup>st</sup> of August	The <i>Consualia</i> – The first of two festivals to Consus (the other was held on the 15 <sup>th</sup> of December. The Vestals are believed to have taken part, along with other priests (Tertullian <i>de Spectaculis</i> 5)
25 <sup>th</sup> of August	Vestals and the state priest attend to Ops Consiva in the Regia (Varro <i>Ling.</i> 6.3.21)
13 <sup>th</sup> of September	The Ides of September – <i>mola salsa</i> used ( <i>Serv. Ecl.</i> 8.82)
12 <sup>th</sup> of October	(from 19 BCE onwards) Vestals participate in sacrifices on the altar of Fortuna Redux ( <i>RG</i> 11)
15 <sup>th</sup> of October	<i>October Equus</i> – This is most likely where the blood of a horse needed for the Parilia (see 21 <sup>st</sup> of April) was obtained (Fest. 190L, Plut. <i>QR</i> 287b)
early December	<i>Bona Dea</i> – rite held in the house(s?) of the consul (and?) or the praetor – female only; included the sacrifice of a <i>porca</i> (Macr. <i>Sat.</i> 1.12.23; Plut. <i>QR</i> 268e; Cic. <i>Har. resp.</i> 37)

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#### SINGLE EVENTS OF RITUAL SIGNIFICANCE INVOLVING THE VESTALS

4 <sup>th</sup> of April (205/4 BCE)	Vestals participated in the arrival of Cybele ( <i>Ov. Fast.</i> 4.291-296)
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**ACCOUNTS OF *AEDES VESTAE* CAUGHT OR DESTROYED IN A CONFLAGRATION, AND  
ACCOUNTS OF THE REMOVAL OF THE *SACRA* FROM THE *AEDES***

390 BCE	The invasion of the Gauls. The Vestals remove some of the <i>sacra</i> with the aid of the <i>flamen Quirinus</i> and hide then beneath the temple next to the flamen's house. The rest they take with them to Caere (Livy 5.40)
241 BCE	Fire in the <i>aedes Vestae</i> . The <i>palladium</i> removed by the <i>ponifex maximus</i> Metellus, he may have been blinded as a result (Cic. <i>Scaur.</i> 48; Dion. Hal. <i>Rom. Ant.</i> 2.66.4; Livy <i>Per.</i> 19; Ov. <i>Fast.</i> 6.437-54; Plin. <i>HN</i> 7.141 – Metellus blinded)
211/10 BCE	Fire in Rome affecting the <i>atrium Vestae</i> . Capuans had attempted to destroy the <i>aedes Vestae</i> (Livy 26.27.4, 14)
14 BCE	Fire in the <i>aedes Vestae</i> . The <i>sacra</i> were removed from the <i>aedes</i> by the Vestals to the house of the <i>flamen Dialis</i> on the Palatine; <sup>1</sup> the Virgo Vestalis Maxima is blinded (Dio 54.24.1-3)

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**ACCOUNTS OF THE EXTINCTION OF THE FIRE IN THE *AEDES VESTAE***

c. 207/6 BCE	Considered to be without portent; Vestal scourged; sacrifices made; prayers offered (Livy 28.11.6-7; Livy <i>Per.</i> 28)
c.179/8 BCE	<i>Ignis in aede Vestae extincus est.</i> (Livy <i>Per.</i> 41; Obsequens <i>M. Iunio A. manlio coss.</i> )

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<sup>1</sup> For potential problems with this arrangement: MCDANIEL (Diss., University of North Carolina 1995) 71.

# APPENDIX

## TUCCIA AND THE DANAIDS

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Tuccia's use of a sieve recalls the situation faced by the Greek Danaids, who ferried water in a punctured vessel.<sup>1</sup> It is worth considering the similarities to and differences between Tuccia and the Danaids, as the Greek myth exemplifies the significance of the Tuccia tale in the broader context of Vestals in literature and also reveals important intertextual associations that allow the Vestals to be viewed from a fresh perspective.

Tuccia's sieve was a highly symbolic device and it finds something of a parallel in the leaking vessels central to the myth of the Danaids. The sieve is an object of significance for two major reasons which will be explored here. First, the sieve was integral to the miraculous nature of Tuccia's tale because it behaved contrary to its design, allowing Tuccia to carry water from the Tiber to the Forum. Secondly, there is a semiotic and conceptual relationship drawn between vessels and the female body in Greek and Latin literature that affects how the myth of Tuccia is understood.

According to the Greek tradition, the Danaids were the fifty daughters of Danaus, of whom forty-nine murdered their cousin-husbands on their wedding night.<sup>2</sup> The eventual fate of the Danaids as a consequence of these murders was to carry leaking vessels in the Underworld.<sup>3</sup>

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<sup>1</sup> Dion. Hal. *Rom. Ant.* 2.69.1-3. In making this connection with Greek myth, I follow FEENEY (1998) 50-60, who advised taking an inclusive approach to the relationship between Greek and Roman myth.

<sup>2</sup> Apollod. 2.1.4-5; Aesch. *Supp.* 1-175.

<sup>3</sup> The purpose and significance of this activity is still contested in modern scholarship. KEULS (1974) 169, advocated an interpretation of the Danaid myth based on catharsis. Other studies of the Danaids include:

While the myth of the Danaids was originally Greek, it filtered into Latin literature. Horace provides an account of the Danaids' punishment:

audiat Lyde scelus atque notas 25  
virginum poenas et inane lymphae  
dolium fundo pereuntis imo  
seraque fata,  
quae manent culpas etiam sub Orco.<sup>4</sup> 29

Let Lyde hear of the maidens' crime and notorious punishment, the *dolium* empty of water, pouring out, from the very bottom, and the long-postponed fate, which awaits crimes, even in the Underworld.

In the Greek understanding, water-collection fell within the domain of the female.<sup>5</sup> The futility inherent in the water-collection task became the Danaids' punishment in the Underworld. The Danaids repetitively carried out a traditional women's task with no hope of successfully completing it, so the punishment can be interpreted as an inversion of a canonically female task.<sup>6</sup>

The ancient Greek approach to female anatomy can help us understand the symbolism inherent in the Danaids' leaking vessels. According to Hesiod, the first woman, Pandora, was created by Hephaestus from the earth and water:

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MACKINNON (1978) 74-82; BONNER (1900) 36, who argued that the water carrying by the Danaids was nothing more than convention. Subsequently, BONNER (1902) 164 discussed the view that the Danaids were nymphs of fountains.

<sup>4</sup> Hor. *Carm.* 3.11.25-9. It is worth noting that the Danaids share a connection with the Augustan Principate. Statues of the Danaids were on display in porticos associated with the temple of Palatine Apollo (Ov. *Tr.* 3.1. 60-1; Prop. 2.31.1-16). For a discussion of the Danaids and the temple to Palatine Apollo, see: GURVAL (1995) 123-7; HARRISON (1998) 230-7.

<sup>5</sup> Cf. Eur. *El.* 54, 112 with DENNISTON *ad loc.* and 64-5; also note Tib. 1.10.41-2.

<sup>6</sup> Cf. KEULS (1974) 72-3, who takes this idea further by suggesting the possibility of this task as both punishment and salvation.

Ἥφαιστον δ' ἐκέλευσε περικλυτὸν ὅττι τάχιστα 60

γαῖαν ὕδρι φέρειν, ἐν δ' ἀνθρώπου θέμεν αὐδὴν

καὶ σθένος, ἀθανάτης δὲ θεῆς εἰς ὦπα εἰσκειν

παρθενικῆς καλὸν εἶδος ἐπήρατον.<sup>7</sup> 63

He [Zeus] ordered renowned Hephaestus as quickly as possible to mix earth with water, and to put into it the voice and strength of a human, and to give it the lovely fair shape of a maiden, akin in appearance to the immortal goddesses.

Hesiod's association of women with ceramics was later refined in the Greek medical literature to refer specifically to the womb as an inverted vessel.<sup>8</sup> The euphemistic Greek usage of τὸ τρήμα<sup>9</sup> 'perforation, aperture, orifice' and its variants to describe the vagina, serves to strengthen the imagery likening the womb to an inverted urn with its mouth/aperture, and moreover, also connects the sieve with this term.<sup>10</sup> More recently, Dean-Jones has explored the concept of the womb as associated with a number of everyday objects including a vessel (ἄγγος) and a wineskin (ἄσκός).<sup>11</sup> Despite the physical differences between the earthenware *dolia* of Horace's Danaids and the sieve of Tuccia,<sup>12</sup> on the basis of

<sup>7</sup> Hes. *Op.* 60-3.

<sup>8</sup> Sor. *Gyn.* 1.9 described the uterus as shaped like an inverted vessel. Later 9<sup>th</sup>/10<sup>th</sup> century manuscripts of Soranus were accompanied by pictures, including the inverted vessel as uterus: TEMKIN (1956) xliii-iv and fig. 1.

<sup>9</sup> Ar. *Eccl.* 623, 906; Ar. Fr 497 (KASSEL, AUSTIN). For a discussion of the use of this terminology: HENDERSON (1991) 141-2; cf. the Latin *perforare*: ADAMS (1982) 150, 220: "verbal metaphors in the work [*Priapea*] were chosen to stress the threatening character of the phallus of Priapus (*caedo, fodio, percido, perforo*)"; cf. the use of τρήματα for the Danaids' leaky vessels at Pl. *Grg.* 493b.5-493c.3.

<sup>10</sup> Also cf. the reference to the use of sieve in Ar. Fr. 497 (KASSEL, AUSTIN) to describe the human body: ὥσπερ [κόσκινον] αἰρόπινον τέτρηται.

<sup>11</sup> DEAN-JONES (1994) 65.

<sup>12</sup> *Dolia* are earthenware vessels used in the storage of food and liquids: PEÑA (2007) 20-21. Festus 94L makes reference to a bronze sieve as part of the Vestals' sacred accoutrements. The *OLD* defines 'dolium, -ii, n' as: 'a large earthenware vessel for storing liquids, grains, etc'. This is supported by Columella *Rust.* 12.18.6-7, who provides a volumetric capacity for a *dolium* as 1.5 *culei* (equivalent to approximately thirty *amphorae*). Thirty *amphorae* would equal something approximating 800L. It is clear from the technical features of *dolia* that Horace was using the term loosely to refer to an earthenware vessel of much smaller capacity. For the poetic use of *dolium* elsewhere to describe the Danaids' punishment, cf. Tib. 1.3.79-80. In addition to Horace's reference



the Greeks' conceptualisation of the female anatomy, it is possible to interpret the water receptacle in both myths as a symbolic representation of the womb.

In their symbolic function representing the womb, there is a significant departure in the relative roles between the sieve used by Tuccia and the perforated *dolia* associated with the Danaids.<sup>13</sup> A sieve, with its constructed perforations, was expected to leak, while earthenware vessels implied large, structurally-sound devices for storage, and the leaking that resulted from perforation contradicted the purpose of their design. The Danaids labour under the use of faulty or deliberately perforated vessels that ensured their failure to complete the water-carrying task. The difference between the carrying devices of the Danaids and Tuccia indicates key disparities in the expectations that these devices represent. The fact that the *dolia* do leak for the Danaids and the sieve does not leak for Tuccia indicates that both these objects performed in a manner contrary to their intended function. On this basis, it might be argued that any symbolic connection made between the Danaids and the *dolia* ought to be the opposite of one which is made between Tuccia and her miraculously watertight sieve. Such an interpretation is in keeping with the moral disparity between Tuccia and the Danaids. Tuccia was innocent of the accusation of unchastity, an accusation mimetically realised in the sieve as perforated womb.<sup>14</sup> The miracle of the water from the Tiber remaining in the sieve was indicative of the un-perforated (i.e. virginal) state of Tuccia's womb. Conversely, the Danaids had desired to remain virgins even in marriage, going so far as to murder their husbands. By killing their husbands, the Danaids put an end to their potential to become

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to the Danaid's vessels as *dolia* we also have the more generic term *urna*: Phaedrus *App.* 7.10-11 (*urna*, *dolia*). See also the following footnote.

<sup>13</sup> A range of terms have been used to describe the vessels that the Danaids bore in the Underworld and the sieve of Tuccia. For Tuccia, Dion. Hal. *Rom. Ant.* 2.69.2 used the standard Greek term κόσκινον 'sieve'; Val. Max. 8.1.absol.5 used the equivalent Latin term *cribrum* 'sieve'; also see: Plin. *NH* 28.3.12 for the use of *cribrum*. According to Cato *de re Rustica* 13, 76, 107, a *cribrum* was a standard utensil used in food preparation. This is quite distinct from the Danaids' *dolia*, which were vessels that often possessed rounded bottoms for storage in the earth and narrow necks: PEÑA (2007) fig. 2.1. Hor. *Carm.* 3.11.27 and Tib. 1.3.79-80 both use *dolia* as a generic term for the vessels that the Danaids carried. This is confirmed by the visual evidence, where the Danaids are shown carrying leaky vessels, which were much smaller than the vessels usually classified as *dolia*: see LIMC 3.2 'Danaids', figs. 7-23.

<sup>14</sup> Note: CARSON (1999) 80, n. 6, who interprets the image of the sieve as a reference to a woman with sexual experience.

socially acceptable wives, and the likelihood that the loss of their virginity would ultimately translate into the production of legitimate children.<sup>15</sup>

One implication of viewing vessels as wombs is that a number of competing readings emerge. On the one hand, the leaky *dolia* of the Danaids represented their wombs as they should have been, perforated and welcoming the creation of a family. On the other hand, because the leaking vessels can further signify the Danaids' uninterrupted menstrual cycle, a criticism is implied. Since interruption in the menstrual cycle is to be expected in the event of pregnancy, the leaky vessels, therefore, also represent the wombs of the Danaids as they will eternally remain – without child. Such a reading, however, cannot be easily transferred to Tuccia's story, where the expectation that there will be *no* disruption to her menstrual cycle, does not correlate with the behaviour of the sieve. Indeed, for Tuccia, menstruation could serve as an *affirmation* of her chastity. The difference here emphasises the very different *milieux* of the Danaids and Tuccia, and draws attention to the different social expectations each faced.

The opposite outcome seen in the cases of Tuccia and the Danaids indicates how the social and religious circumstances of a woman contributed to the differing results, even though both myths involved women carrying vessels. I propose that the different results indicate that a semiotic relationship existed between the vessel carried by the woman and her chastity, which is assessed in relation to the sexual behaviour appropriate to each woman. For the Danaids, carrying perforated vessels in the Underworld reflected their socially inappropriate response to marriage.<sup>16</sup> The correlation between the sieve and Tuccia's womb has equally

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<sup>15</sup> Ironically, one of the Greek terms for wife was *δάμαρ*, indicating that a wife had to be subdued (*δαμάζω*) on her wedding night, but instead of being 'subdued', the Danaids subdued their husbands (to death).

<sup>16</sup> Apollod. 2.1.5, implied that the Danaids were driven to murder their husbands because the husbands did not respect their desire for virginity (cf. NISBET, RUDD (2004) 159: "Horace cunningly gives the impression that virginity was part of their [the Danaids'] crime"). The desire to preserve virginity within marriage can be construed as subverting the social expectations of such a union. The Danaids' leaking vessels represent the failure of these women to adhere to the social expectation that they would willingly surrender their virginity for the production of legitimate children, an attitude enacted in extreme form through the murder of their husbands. Myths often reinforce cultural norms, and women in myth often reflect the social pressure to marry. Those who

important implications for interpreting the Vestal's story. As already noted, the sieve, by acting contrary to expectation, represented (paradoxically) the integrity of Tuccia's virginity (purity). For Tuccia, the perforations of the sieve can also be viewed as embodying the substance of the *incestum* accusation: i.e. that Tuccia was no longer a virgin and therefore in possession of a perforated womb. Importantly, as a Vestal, Tuccia's *virginity* constituted the appropriate social use of her womb; as a consequence, the sieve, by retaining water, refuted the accusation of *incestum*. Because the sieve functioned as an un-perforated vessel, Tuccia's virginity was confirmed, and consequently, it can be supposed that her hymen remained unbroken. Ancient medical knowledge regarding female anatomy reveals the importance attached to the hymen when determining the presence or absence of virginity. In particular, Soranus discusses the differences between the virginal and non-virginal vagina.<sup>17</sup> Given the propensity of ancient medical writers to view the womb as an inverted urn, and the euphemistic use of terms like τὸ τρήμα, we should understand a symbolic correlation between Tuccia's sieve and her womb.

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resist tend to come to a tragic end, for instance: Atalanta (Apollod. 3.9.2; Ov. *Met.* 10.560-707), Callisto (Ov. *Met.* 2.401-541), and Hippolyte (Paus. 5.10.9).

The leaky vessels formed the cornerstone of the Danaids' punishment in the Underworld and, as such, they can be interpreted as signifying the loss of their social/sexual integrity as well as the acquisition of blood-guilt. Blood-guilt is a phenomenon particularly prevalent in ancient Greek thought. For example it often features in tragedy: Aeschylus' *Oresteia* followed the trail of blood-guilt through the descendants of Tantalus – see discussion of curses in WATSON (1991) 27-8. Cassandra foresaw Clytaemnestra's murder of Agamemnon in Aeschylus' *Agamemnon* 1095-1246; Orestes claims to see the Erinyes after the murders of Clytaemnestra and Aegisthus in Aeschylus' *Cho.* 1048-62, while Aeschylus' *Eum.* followed Orestes dealings with the Erinyes. cf. Sophocles' *Electra*, where blood-guilt is discussed by Electra (580-3) and then enacted by Orestes (1384-510). Furthermore, blood-guilt attracted a pollution that could not be cleansed and tainted successive generations: Soph. *Oed. Tyr.* 1227-8; cf. KEULS (1974) 25-41. For a broad discussion of the Greek connection between blood-guilt and pollution, see: PARKER (1983) 104-43. More generally, Pl. *Resp.* 363d.5-7 associated sieves symbolically with punishment, while in *Grg.* 493b.5-493c.3, it is not so much purity that is lost through the perforations of the vessels, but the ability to engage in complex thought. Note also, DODDS (1959) 298-9, who draws a connection between Plato's assessment of the sieve in the *Gorgias* and the punishment of the Danaids.

The Danaids' leaking *dolia* represent both their misappropriation of their wombs within the context of marriage, thus marking them out as figures of opposition to normative Greek social values. Given the close alignment between the Danaids' lost social/sexual integrity and their punishment, it is possible to read the leaking fluid that the Danaids bore in the Underworld as imbued with anatomical (menstrual blood) and metaphorical symbolism – i.e. that it was actually the Danaids' integrity that leaked from their vessels. Such potential symbolism emphasises the potency (real and conferred) of wombs and the dangerous repercussions that women faced if they subverted their expected roles.

<sup>17</sup> Sor. *Gyn.* 1.16-7.

The anomalous behaviour of Tuccia's sieve reflects the anomalous social position of Vestal Virgins. The expectation that Roman women would marry and bear children (the same expectation as the Danaids faced) was denied the six, rigorously selected, women of the Vestal college. The sieve is an integral symbol within Tuccia's story, not only serving as a means by which the miracle of carrying water could occur, but also highlighting the unique semiotic relationship it shared with her womb. Tuccia carried her womb-sieve from the Tiber to the forum and, only at the conclusion of her feat, poured out the contents before the *pontifices*.

## APPENDIX

# THE VESTALS AND CAESAR IN C. 82 BCE<sup>1</sup>

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Suetonius noted that the Vestal Virgins helped Caesar to secure the favour of Sulla:

quare et sacerdotio et uxoris dote et gentilicis hereditatibus multatus diuersarum partium habebatur, ut etiam discedere e medio et quamquam morbo quartanae adgrauante prope per singulas noctes commutare latebras cogeretur seque ab inquisitoribus pecunia redimeret, donec per uirgines Vestales perque Mamercum Aemilium et Aurelium Cottam propinquos et adfines suos ueniam impetrauit.<sup>2</sup>

Thus besides being punished by the forfeit of his priesthood,<sup>3</sup> the dowry of his wife,<sup>4</sup> and his family inheritances, Caesar was thought to be [part] of the hostile faction. He was actually forced to go into hiding, and though suffering from a severe attack of quartan fever,<sup>5</sup> to change from one hiding place to another almost every night, and to

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<sup>1</sup> On the date of 82 BCE, note MÜNZER (1937) 221, n. 84. Sulla's successes culminated when he became dictator in late 82 BCE (App. *BC* 1.3, 97-8; Dio 36.31.4; Plut. *Sulla* 33.1; Livy *Per.* 89), so we can assume that his clash with Caesar took place after that time. Caesar left Rome for Asia in 81 BCE (Suet. *Iul.* 2), leaving a short period of time in which his persecution by Sulla could have taken place. Vell. Pat. 2.41.2, noted that Caesar was about eighteen at the time of these events, which also strengthens the date as 82/1 BCE, since Caesar was believed to have been born in 100 BCE (Suet. *Iul.* 1).

<sup>2</sup> Suet. *Iul.* 1.1-2; cf. Plut. *Caes.* 1, which relates this episode but does not mention the Vestal Virgins.

<sup>3</sup> The priesthood in question is that of *flamen Dialis*.

<sup>4</sup> This is a reference to Caesar's marriage to Cornelia, daughter of Cinna.

<sup>5</sup> 'Quartan fever' was a form of malarial fever, where the symptoms recurred every seventy-two hours. On the general nature of 'quartan fever' see: MICALLEF (2007) 53-4; for a discussion of which strains of malaria relate to the Roman classifications, see: SALLARES (2002) 8. On 'quartan fever' SALLARES (2002) notes p 12: "it may be said that the longer and the more regular the periodicity, the less dangerous the disease. It was well known in antiquity that quartan fevers were usually not dangerous ... but nevertheless lasted longer than other malarial fevers".

save himself from Sulla's investigators by bribes;<sup>6</sup> until, through the good offices of the Vestal Virgins and of his relatives and (close) relations, Mamercus Aemilius and Aurelius Cotta,<sup>7</sup> he obtained pardon.<sup>8</sup>

In attempting to assess what reason the Vestals had for aiding Caesar at this time, prosopographical studies of the Vestals may add to our understanding of their motivation in this case. Broughton provides the most conservative account, listing the Vestal Fonteia as early as 91 BCE, but making no mention of Vestals in 82/1 BCE.<sup>9</sup> Rüpke is confident regarding the identity of one Vestal during the period between 85-80 BCE, Fonteia, while the identity of three other priestesses, Popillia, Perpennia, and Licinia, is assumed for those years; Fabia also appears as a possibility in 80 BCE.<sup>10</sup> Bauman offered the possibility that Fabia, Licinia (both recorded as accused of *incestum* in the 70s), Perpennia, and Fonteia were also active as early as 90 BCE.<sup>11</sup> It is not within the scope of my research to assess the quality of these various claims, but is notable that, of the Vestals suggested to have been active in the college during the period of Caesar's troubles with Sulla, one, Popillia, may have been a relative of Caesar. According to Münzer,<sup>12</sup> Caesar's great-uncle, Lucius Julius Caesar, had married a Popillia. The Vestal Popillia, therefore, may have been a cousin to Caesar. At best, it is speculative to assume that this familial connection was strong or active in 82/1 BCE, especially given that marriage allegiances signalled political relationships and were altered as

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<sup>6</sup> Cf. Suet. *Iul* 74.1, where Cornelius Phagites is named as one of the men who pursued Caesar with the intent of handing him over to Sulla in 82/1 BCE.

<sup>7</sup> Aurelius Cotta was a cousin on Caesar's mother's side, most likely one of the three sons (Gaius, Lucius, and Marcus) from the union between M. Aurelius Cotta and Rutilia; for details see: GELZER (1968) stemma.

<sup>8</sup> BAUMAN (1992) 61-2 has interpreted Caesar's position here as akin to proscription, and this is borne out by Caesar being forced into hiding and resorting to paying bribes to preserve the secrecy of his position. BAUMAN (1992) 62 has also offered an interpretation of the results of the intervention by Mamercus Aemilius, Aurelius Cotta, and the Vestals as "the removal of his [Caesar's] name from the proscription lists and the restoration of his dotal and succession rights".

<sup>9</sup> BROUGHTON (1951-2) 2.24. The same Fonteia appeared at the trial of her brother M. Fonteius in c. 69 BCE (see discussion in Chapter Three, pp 136-9).

<sup>10</sup> RÜPKE (2008) 116-7.

<sup>11</sup> BAUMAN (1992) 62 n. 7. Bauman's position operates from the 'no news is good news' perspective, assuming that there were no Vestal deaths between 90 and 70. If this was the case, then we can also posit that Arruntia was the sixth Vestal, since she was also present at the banquet to inaugurate Lentulus in 70 (Macrobian. *Sat.* 3.13.11. Macrobius identifies four Vestals as guests at the *cena aditialis* for Lentulus – Popillia, Perpennia, Licinia, and Arruntia).

<sup>12</sup> 'Iulius (Caesar)' *RE* (MÜNZER).

political circumstances changed, nevertheless, the possibility remains that there was a Vestal with a relationship to the Julii whom Caesar may have called on for advice and aid in evading Sulla. Although any conclusions drawn on the basis of this conceptual prosopography must remain speculative, the possibility that (at least) one of the Vestals active c. 82/1 BCE was a relative of Caesar may help to explain why the Vestals became involved in his predicament.

Scholars have adopted various positions on the potential motivation for the Vestals' involvement with Caesar in 82/1 BCE. Bauman concluded that "there is nothing to suggest individual initiatives"<sup>13</sup> on behalf of the Vestals, but the possibility of a relationship (albeit a distant one) between Caesar and the Vestal Popillia suggests that the idea of familial considerations on her part cannot be entirely dismissed. Münzer argued that the Vestal order worked collectively towards Caesar's pardon, an assessment that might be inferred from Suetonius' description *per virgines Vestales*.<sup>14</sup> For collective action to take place, we can assume that the Vestals engaged in private discussion in order to reach a consensus.<sup>15</sup> It is not unreasonable to suppose that, whatever the decision reached through collective discussion, any dissenters were encouraged to keep their disagreement private for the sake of public unity. Even so, there is no way to be certain of the Vestal Popillia's age in 82/1 BCE, her relative position within the Vestals' hierarchy, whether she was an active (i.e. adult) Vestal at the time, and indeed whether she was a relation of Caesar. Another possibility is that the Vestals' collective involvement related to the issue of Caesar's priestly career as *flamen Dialis*, which was stymied by Sulla;<sup>16</sup> the Vestals may have been under the impression that

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<sup>13</sup> BAUMAN (1992) 62.

<sup>14</sup> MÜNZER (1937) 221, n. 84; Suet. *Iul.* 1.1-2. The collective action of the Vestals is also assumed by GELZER (1968) 21, and WILDFANG (2006) 96.

<sup>15</sup> There are factors that would have impinged upon the value that each Vestal could contribute to the discussion, and some individual voices will have carried more weight than others. For instance, age conferred respect in Roman society, and on this basis, the voice of the *Virgo Vestalis maxima*, the most senior Vestal, would have carried the greatest weight in any discussion. Conversely, it cannot be expected that, if there were new initiates of six and ten years of age, they would have had any great say in a decision reached by the college; they were most likely guided by the more senior members. For instance, a Vestal at age six cannot have been expected to have a nuanced understanding of politics. In 82/1 BCE the exact composition of the cult is not known. If the last period of Vestal recruit was in 113 BCE, after three of the six Vestals has been found guilty of *incestum*, then the college of 82/1 BCE would have consisted entirely of adult Vestals – such a scenario would affect the tenor of any discussion.

<sup>16</sup> Suet. *Iul.* 1.1; Vel. Pat. 2.43.1.

they were aiding Caesar so that he could reassume the position. Although later evidence confirms that Caesar never regained the position of *flamen Dialis*, it is a plausible concern for the years 82/1 BCE.<sup>17</sup>

How the Vestals went about aiding Caesar is unclear, although some possibilities can be entertained. The Vestals may have escorted Caesar to an audience with Sulla, their presence alone a signal of their support for Caesar, while their inviolate bodies protected him from violence.<sup>18</sup> A less likely scenario involves the Vestals' pardoning a condemned criminal who had accidentally crossed their path.<sup>19</sup> In Plutarch's description of this unusual Vestal ability, he emphasised that in cases where a condemned criminal crossed the path of a Vestal, the Vestal was required to swear an oath that she and the criminal had crossed paths accidentally and that the event was not pre-planned.<sup>20</sup> The necessity of the oath implies that at some stage the Vestals had deliberately crossed the paths of a criminal in order to save him. Perhaps the precedent was Caesar in 82/1 BCE. However the Vestals aided Caesar, their involvement in the conflict between Caesar and Sulla indicates that they were not above an activity that could be interpreted as politically motivated. The above example underlines the notoriously close relationship between religion and politics at Rome and demonstrates that the Vestals were as capable as any other group of Roman citizens and priestly colleges of pursuing a political agenda.

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<sup>17</sup> Dio 54.36.1; Suet. *Aug.* 31.4; Tac. *Ann.* 3.58.

<sup>18</sup> For a full discussion of the Vestal inviolability, see Chapter Five, pp 198-200.

<sup>19</sup> Plut. *Num.* 10.3; cf. Plin. *HN* 28.13.

<sup>20</sup> See discussion of Vestals and criminals in Chapter Five, pp 202-5.



## APPENDIX

### POLITICS AND ANTONY'S WILL IN 32 BCE

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One major motivation behind the events of 32 BCE was that Octavian needed to have a watertight pretext for blaming Antony (through Egypt) for instigating the imminent armed conflict that was, in reality, another civil war.<sup>1</sup> The irony of the triumvirate creating exactly what it was charged to prevent was not lost on either man. The competition centred upon the coveted position of 'leading man' at Rome. To achieve sole power was to confirm the legitimacy of their respective claims to be the true heir of Julius Caesar. Given the conflict inherent in desiring a role that had by equal measure obvious benefits and dangerous associations, this competition was not fought openly, but under the guise of who had the best claim to restoring the Republic.<sup>2</sup> Octavian had styled himself as the true heir, on the basis of Caesar's will, and through his use of his adoptive father's name. Antony claimed his Caesarian loyalties through his fidelity to Caesar, by his time spent under Caesar on campaign, and by his subordinate role under Caesar at Rome.<sup>3</sup> The issue of age cannot be overlooked. In 32 BCE, Antony was about 51, while Octavian was only 31.<sup>4</sup> Antony had been able to cultivate people's loyalty over a lengthier career than Octavian. Antony was also

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<sup>1</sup> GURVAL (1995) 44-5, has explored Octavian's possible relationship with the concept of 'civil war'. Also note the use of rumour during this period that power would be removed from Rome to Egypt: Dio.50.4.1: *τὸ κράτος εἰς τὴν Αἴγυπτον μεταθήσεται...*

<sup>2</sup> Dio 50.1.3-4 put forward various pretexts for the conflict including: Antony accused Octavian of removing Lepidus from his office; co-opting Lepidus' territory and troops as well as Sextus Pompey's troops for himself instead of sharing. Octavian accused Antony of holding territory (including Egypt) without lot; of killing Sextus Pompey, after he had spared him; and despicable treatment of the Armenian king. In regard to this topic also note Dio 50.2.1.

<sup>3</sup> This view is supported by JOHNSON (Diss., University of California 1976) 23.

<sup>4</sup> Mark Antony is thought to have been born in 83 BCE, although 86 has also been suggested. Octavian was born in 63 BCE.

a seasoned military commander, who had support in or with the army. Conversely, although Octavian was a senator, he was young by traditional standards and had achieved his early political career through a clever mix of claims to noble motives (familial *pietas*) and coercion. These differences notwithstanding, in 32 BCE it must have seemed that if Octavian could prove that Antony's plan for the restoration of Rome was to throw her at the feet of Egypt, then this must be considered a serious blow against Antony.

The intensity of the competition between Antony and Octavian in 32 BCE was confirmed by the extreme actions that Octavian took in order to secure his supremacy. Committing religious profanity by expropriating Antony's will from the custody of the Vestals was a great risk to bring about Antony's demise. The nature of this risk suggests that Antony possessed a significant level of support at Rome despite everything that had occurred since the triumvirate had been formed. Despite the fact that Antony was based in the East;<sup>5</sup> that he and Cleopatra had children together;<sup>6</sup> and that he had lately divorced Octavia;<sup>7</sup> Antony, it is clear, still commanded a large share of sympathy at Rome. Most notably, when the consuls left the city in early 32 BCE, a number of senators followed suit. A large percentage of this movement can be attributed to either Antonian support or, at the very least, dissatisfaction with Octavian.<sup>8</sup> Seizing Antony's will from the Vestals was a risk, but Octavian gambled on being able to gain far more than he could possibly lose. This scenario implies that Octavian trusted the sources who informed him regarding the contents of Antony's will; the role of Plancus and Titius, who witnessed Antony's will in Alexandria is the key to understanding the events of 32 BCE. The role of a will witness after the death of the testator was to acknowledge the validity of his seal at the formal opening of the will.<sup>9</sup> The defection of Plancus and Titius to Octavian *after* they had witnessed Antony's will produced an unusual

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<sup>5</sup> Antony's association with the East was effective from about 42 BCE when he set off on his ill-fated Parthian campaign (Dio 48.1-2; App. *BC* 5.1.3). It was while in Cilicia that he first came into contact with Cleopatra (Dio 48.24.2; Plut. *Ant.* 25). The distribution of the East to Antony and the West to Octavian was negotiated in 40 BCE (Dio 48.28.4).

<sup>6</sup> Dio 50.1.5.

<sup>7</sup> Dio 50.3.2.

<sup>8</sup> Dio 50.2.2-7.

<sup>9</sup> BUCKLAND (1966) 294.

situation that reveals a legal loophole: Plancus and Titius were free to verify their seals on Antony's will when Octavian opened it. This cannot negate the fact that Octavian was in no position to open to Antony's will, as he could not have possibly been Antony's *familiae emptor*, or override the fact that Antony was not yet dead.<sup>10</sup> The witnessing and later acknowledgement of the seals by Plancus and Titius suggest a means by which Octavian was able to argue for the authenticity of the will. Certainly by the end of that year Octavian had persuaded Rome that Antony had been compromised, that his commitment was not to Rome, but to Egypt and her foreign Queen. As the custodians of Antony's will, the Vestals were caught in the competition for political dominance waged between Octavian and Antony. This is the last example extant of the Vestals acting as will-custodians until Augustus placed his will with them in 13 CE. This fact reveals the consequences for the Vestals of Octavian's ambitious actions in 32 BCE. The Vestals' ability to protect sensitive documents was called into question by Octavian's willingness to transgress their domain, and was a defining moment in the relationship between the Vestal college and the future Augustus.

It is also worth noting here the prior conflict between Antony and Octavian due to Julius Caesar's will. Cicero accused Antony of nullifying Caesar's will, which left the estate to Octavian:

in publicis nihil est lege gravius; in privatis firmissimum est testamentum. leges alias sine promulgatione sustulit, alias ut tolleret promulgavit. testamentum irritum fecit, quod etiam infimis civibus semper obtentum est.<sup>11</sup>

In public nothing has greater weight than the law; in private [law] a will is the strongest thing. As for laws, he [Antony] abolished some without public

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<sup>10</sup> The *familiae emptor* acted in place of the testator after the death of the testator in the case of mancipatory wills. Although the form of Antony's will is not known, it is reasonable to assume that someone fulfilled a role akin to the *familiae emptor* to oversee the division and distribution of the estate. That person was most likely to have been in Alexandria with Antony, and in any case it is highly unlikely that Octavian would have been selected for the role.

<sup>11</sup> Cic. *Phil.* 2.109.

proclamation, and proclaimed others in order to abolish them; and rendered void the will [of Caesar], a thing which has always maintained its validity even for the humblest citizens.

While Cicero was in the best invective form of his career with the second *Philippic*, these claims were made so close to the period in question that Cicero can perhaps be considered trustworthy here. The combination of Antony's insult upon Octavian, by seeking to nullify the will that established the grounds for the adoption of Octavian as Caesar's son and heir, as well as the former's hesitation in handing over the assets relating to Caesar's estate, are unlikely to have been forgotten by Octavian in 32 BCE. Perhaps the insult was simply too much. After Antony's behaviour regarding Caesar's will, to have the gall to place *his* will with the Vestals too, might have been enough to disrupt Octavian's equilibrium— enough to provoke him to break the law in order to bring his rival down. That Octavian had a temper is confirmed in Dio's account of the incident.<sup>12</sup>

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<sup>12</sup> Harris has discussed Octavian's outbursts of anger: HARRIS (2001) esp. 243-248, although the example from Dio 50.3.3-4 is not included. HARRIS (2001) 201-208, also noted that, in the Greek philosophical tradition, the idea that anger could be controlled, and that it was a sign of character to do so, was considered significant and that this in turn influenced Roman thinking and rhetoric in the late republican period.

# APPENDIX

## VISUAL EVIDENCE

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**FIGURE 1:** South Procession Frieze (photograph: Peta Greenfield)

KLEINER (1978) 757-8 identified the central female figure (8<sup>th</sup> adult from right) as Livia, and the second female figure (4<sup>th</sup> adult from right) as Antonia Minor.

KOEPEL (1987) 124, notes that the central female figure (8<sup>th</sup> adult from right) has been “meist zu Recht als Livia erkannt, doch auch als Julia gedeutet”, and has identified the second female figure (4<sup>th</sup> adult from right) as Antonia Minor (p 125).



**FIGURE 2:** South Procession Frieze (photograph: Peta Greenfield)

KLEINER (1978), 759 and KOEPEL (1987) 126, have both identified the third female figure (4<sup>th</sup> adult from right) as Antonia Maior.



**FIGURE 3:** Internal Frieze: Procession of Vestals (photograph: Peta Greenfield)





**FIGURE 4:** North Procession Frieze

KOEPPPEL (1987) 135-7, indentified some of these figures as women on account of clothing, but does not attempt to label specific individuals.



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